

WAR CRIMES WASHINGTON

16 FEBRUARY 1948

I N D E X

	<u>Page</u>
Summation by the Prosecution (cont'd) by Mr. Tavenner	39482
Summation by the Prosecution (cont'd) by Mr. Justice Borgerhoff Mulder	39518
 <u>MORNING RECESS</u> 	
Summation by the Frosecution (cont'd) by Mr. Justice Borgerhoff Mulder	39533
Summation by the Prosecution (cont'd) by Mr. Oneto	39542
 <u>NOON RECESS</u> 	
Summation by the Prosecution (cont'd) by Mr. Onetc	39575
Summation by the Prosecution (cont'd) by Brigadier Nolan	39577
 <u>AFTERNOON RECESS</u> 	
Summation by the Prosecution (cont'd) by Lr. Horowitz	39635

1                   Monday, 16 February 1948  
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4                   INTERNATIONAL MILITARY TRIBUNAL  
5                   FOR THE FAR EAST  
6                   Court House of the Tribunal  
7                   War Ministry Building  
8                   Tokyo, Japan

9                   The Tribunal met, pursuant to adjournment,  
10                  at 0930.

11                  Appearances:

12                  For the Tribunal, all Members sitting, with  
13                  the exception of: HONORABLE JUSTICE LORD PATRIK,  
14                  Member from the United Kingdom of Great Britain and  
15                  HONORABLE JUSTICE JARANILLA, Member from the Republic  
16                  of the Philippines, not sitting from 0930 to 1600.

17                  For the Prosecution Section, same as before.

18                  For the Defense Section, same as before.  
19                  -----  
20                  (English to Japanese and Japanese  
21                  to English interpretation was made by the  
22                  Language Section, IMTFE.)  
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1      MARSHAL OF THE COURT: The International  
2      Military Tribunal for the Far East is now in session.

2      THE PRESIDENT: All the accused are present  
3      except UMEZU who is represented by counsel. The Sugamo  
4      prison surgeon certifies he is ill and unable to attend  
5      the trial today. The certificate will be recorded and  
6      filed.  
7

8      Mr. Tavenner.

9      MR. TAVENNER: If it please the Tribunal, I  
10     will begin with paragraph F-129. I will resume at that  
11     point.

12     F-129. Upon the conclusion of this pact Japan  
13     terminated negotiations and advised the German ambas-  
14     sador that the German-Soviet Pact was in violation of  
15     the secret agreement attached to the Anti-Comintern  
16     Pact. OSHIMA was directed to file a protest to  
17     Germany's action, but out of consideration for Japanese-  
18     German relations and collaboration, he disobeyed his  
19     instructions and postponed delivery until September 18,  
20     1939, when the matter was handled in a surreptitious  
21     and unofficial manner. Japan's objective in the  
22     negotiations had been to strengthen the Anti-Comintern  
23     Pact against the Soviet Union and this objective was  
24     (F-129. a. Ex. 486L, T. 6122-3.  
25     b. Ex. 506, T. 6124-5.)

1       deemed to have been seriously jeopardized by Germany's  
2       non-aggression pact with the Soviet. Because of its  
3       failure to conclude the alliance, the HIRANUMA Cabinet  
4       resigned on August 30, 1939.  
5

6              F-130. The course of the negotiations shows  
7       clearly that the failure of Japan to conclude a military  
8       alliance with Germany and Italy was solely a matter of  
9       timing. Japan's primary aim had been to strengthen the  
10      alliance of the Anti-Comintern Pact against the Soviet  
11      Union, but Japan had not been averse to entering a  
12      military alliance against the Western Powers provided  
13      she could defer entering into war against them until  
14      she was prepared to do so. This is strongly emphasized  
15      by the fact that when she felt herself to be so pre-  
16      pared, she enthusiastically entered into a military  
17      alliance directed solely against the western powers.

18              F-131. Notwithstanding the temporary setback  
19      to the conclusion of a tripartite military alliance  
20      brought about by the German-Soviet Pact of August 23,  
21      1939, the expediency of which became apparent upon the  
22      German invasion of Poland on September 1, 1939, efforts  
23      were continued by the conspirators in Japan and Germany  
24      to develop closer Japanese-German relations for the  
25      benefit of their common aggressive ends. In early  
(F-129 c Ex. 2375A, T. 24290-1.)

September 1939, Ribbentrop assured OSHIMA that Japan's fate was still linked with Germany's fate and that the non-aggression pact with the Soviet was in the interest of Japan as well as of Germany. He represented that Germany was ready and able to mediate for a settlement between Japan and the Soviet Union, upon the accomplishment of which Japan would be free to extend her power in East Asia toward the south, where her vital interests lay.

F-132. Those of the conspirators who were in favor of an all-out alliance determined to continue their efforts to conclude such an alliance. Ribbentrop considered it of great importance to the policy of collaboration that OSHIMA remain as ambassador, as he enjoyed the complete confidence of Hitler and the German army, <sup>a.</sup> and took steps with the Foreign Office in Tokyo <sup>b.</sup> to have OSHIMA remain as ambassador. When, notwithstanding this, OSHIMA resigned, Ribbentrop advised Ott in Tokyo to support OSHIMA who after his return would work for German-Japanese friendship, and requested that OSHIMA be allowed to transmit through the German Embassy in German code without changes telegrams to Ribbentrop <sup>c.</sup> and to send letters addressed to Ribbentrop unopened.

(F-131. a. Ex. 507, T. 6127-29.)

(F-132. a. Ex. 507, T. 6129-30.

    b. Ex. 498, T. 6130.

    c. Ex. 508, T. 6131.)

Similarly, SHIRATORI returned to Tokyo to work for the  
conclusion of the alliance. On September 2, 1939, he  
told the German Ambassador to Italy that with the new  
Japanese Cabinet there was a well-founded chance for  
successful continuation of the stalled negotiations  
for further rapprochement with the Axis powers, and  
for the purpose of being able to work more effectively  
than was possible from Rome, he was going to Tokyo.  
In another conference in Rome he had emphasized that  
he was one of Germany's friends who was laboring to  
counteract the effect of the German-Soviet Pact on  
Japanese-German relations, and had disclosed that he  
had contacted OSHIMA in Berlin and tried to stop  
delivery of the Japanese protest. Likewise, ITAGAKI,  
who as War Minister in the KONOYE and HIRANUMA Cabinets  
had worked diligently for conclusion of the alliance,  
on September 5, 1939, at a reception attended by him-  
self and HATA, pointed out to the German Military and  
Air attaches his most sincere efforts on behalf of a  
close German-Japanese connection and emphasized that  
his successor, War Minister HATA, shared his views com-  
pletely. On February 23, 1940, Stahmer and Ott  
reported that OSHIMA, SHIRATORI and others remained in  
(F-132. d. Ex. 2232, T. 16003-4.  
e. Ex. 2232, T. 16006.  
f. Ex. 2198, T. 15744-5.)

1 an unchanged friendly attitude and were ready to give  
2 every support and that means were being taken to  
3 strengthen pro-German influence in the Foreign Ministry  
4 and the army.

5 F-133. Not only did the German and Japanese  
6 conspirators work to draw Germany and Japan closer to-  
7 gether, but also at the same time they strove to weaken  
8 the relations between Japan and Britain and the United  
9 States. Advantage was taken of the apparent stiffen-  
10 ing of political attitude between Japan and England and  
11 America arising out of the protests against the Japanese  
12 sponsored and established Wang Ching-wei government  
13 at Nanking. Members of the Diet pressed the Foreign  
14 Minister to strengthen relations with Germany and Italy,  
15 and the army spokesman in the Diet and War Minister  
16 HATA declared that Japan's progress in China could not  
17 be stopped by the obsolete Nine Power Treaty. When  
18 in May 1940 there were indications that the YONAI govern-  
19 ment was seeking an understanding with England and  
20 America, the group in Japan friendly to Germany desired  
21 that a new government be formed under KONOYE with a  
22 foreign policy envisioning that the tension with the  
23 Western Powers would increase or at least remain

24 (F-132. e. Ex. 511, T. 6140-2.)

25 (F-133. e. Ex. 276A, T. 3701;  
Ex. 514, T. 6149,)

b.  
constant. The German Embassy in Tokyo continued its  
1 efforts to stir up Japanese feeling against America  
2 by influencing the press and political leaders, and  
3 OSHIMA and SHIRATORI worked in confidential coopera-  
4 c.  
tion with the German Embassy in this program.

F-134. To bring Japan more closely within the  
6 German orbit, pressure was applied and inducements  
7 offered to Japan. On May 22, 1940, Germany advised  
8 Japan that she was disinterested in the Netherlands  
9 East Indies, and this declaration was considered by  
10 Japan to give Japan a "carte blanche" and a pledge of  
11 support for the future. On June 19, 1940, two days  
12 after France requested an armistice from Germany, the  
13 Japanese Foreign Ministry pointed out to Germany Japan's  
14 special interest in the fate of French Indo-China,  
15 stressed that Japan had rendered Germany essential  
16 service in the European War by tying down American  
17 forces in the Pacific and suggested a German declar-  
18 ation by which Japan would receive a free hand in Indo-  
19 China. In transmitting this statement, Ott suggested  
20 that a reply be given calculated to embarrass the  
21 YONAI government and influence its replacement by a  
22 b.  
23 Cabinet which would be closer to Germany. Such a  
24

(F-133. b. Ex. 515, T. 6150-1.

c. Ex. 516, T. 6152.)

(F-134. a. Ex. 517, T. 6157; Ex. 518, T. 6159-60; Ex. 519,  
b. Ex. 520, T. 6162-5.) T. 6161-2.

reply was given the following week. On June 24, 1940,  
1 in reply to KOISO's inquiry as to the German attitude  
2 toward military activity of Japan in Indo-China and in  
3 parts of the Netherlands East Indies, Ott stated that  
4 Germany had already expressed her declaration that  
5 she was not interested in the question of the East  
6 Indies, and added that Germany would probably raise  
7 no objections to Japanese action in Indo-China, provided  
8 Japan would oblige herself to tie down America in  
9 the Pacific, perhaps by a promise to attack the Philip-  
10 pines and Hawaii in the event of America's entry into  
11 c.  
12 the war against Germany. KOISO's reply disclosed his  
13 full cognizance of the import of Ott's statement. In  
14 reply, he asserted that the realization of Japan's  
15 colonial wishes in Indo-China and the Fast Indies  
16 would make Japan economically independent of America  
17 and would offer to the expected KONOYE Government a  
18 promising standpoint for a settlement of the war with  
19 d.  
20 China. Such a commitment was not to be expected from  
21 the YONAI government, and it was to be expected from a  
22 KONOYE government which would be favorable to the army  
23 and to Germany.

F-135. In this way, the situation had so  
24 developed that the time was again ripe for considering  
25 (F-134. c. Ex. 523, T. 6176.  
d. Ex. 523, T. 6176.)

1 a tripartite military alliance, without the aid of  
2 which Japan dared not risk the fate of her empire by  
3 large scale military aggression in the areas south of  
4 China and in the South Seas. The conspirators began  
5 to lay the groundwork for such an alliance. On June  
6 19, 1940, KURUSU, Japanese Ambassador to Germany, re-  
7 opened negotiations for the alliance and pointed out  
8 to Germany that if in the field of development of  
9 heavy industries & closer cooperation between Japan and  
10 Germany were possible, Japan would gain freedom of  
11 action toward the United States. Following this  
12 meeting, a conference was held on July 8, 1940, between  
13 Ambassadors SATO and KURUSU and Ribbentrop and Stahmer.  
14 The conferences discussed matters of great significance  
15 revealing to Germany the true scope of Japan's aggres-  
16 sive attentions. SATO suggested close cooperation  
17 between Germany's New Order in Europe and Japan's  
18 efforts to construct a New Order in the Far East and  
19 South Seas. He pointed out that Japan by the war in  
20 China had facilitated Germany's task by drawing the  
21 attention of England, France and America to herself  
22 and by tying up the American fleet in the Pacific.  
23 Japan was putting forward strong efforts to finish the  
24 China war in order to have free hands, SATO admitted  
25 (F-135. c. Ex. 522, T, 6170-1.)

to the German conference the existence of the continuous conspiracy by pointing out that since the outbreak of the Manchurian conflict, Japan had been trying to orient her policy in a set direction. However, time and again Japan had been forced to moderate this new orientation somewhat because of the obstinacy of the Washington regime in its adherence to the Nine Power Pact.

F-136. While KURUSU and SATO were reopening negotiations for a military alliance, a draft of such an alliance was being considered in Japan. On July 12, 1940, there was held a joint conference of Japanese army, navy and Foreign Office officials to intensify efforts to procure such a pact. There was presented to the conference for consideration a draft of a proposed agreement between Japan and Germany, the declared object of which was to facilitate the attainment of the Imperial aim quickly, to develop an intimate cooperative relation between Japan, which was striving to establish a New Order in East Asia including the South Seas, and Germany and Italy, which were fighting for the New Order in Europe, and to strengthen Japan's future international position after the European war. The proposed draft provided that Germany should recognize (F-135. b. Ex. 524, T. 6179-84.)

that Indo-China, the East Indies and other South Sea Islands were within the Japanese sphere, should support Japan's political leadership, should give adequate political support to Japan in order to settle the Chinese conflict, and should give favorable consideration to Japan's trade opportunities in Europe and Africa. Japan, on the other hand, would support and approve the European New Order under German leadership, would check Britain as much as possible in East Asia in order to facilitate Britain's surrender, and would supply Germany with raw materials from China and the South Seas. The proposed agreement also provided for cooperation to maintain peace with the Soviet Union and to prevent activity by the United States outside the American continents. If the United States exerted political or economic pressure on either nation, both would adopt a policy to check the United States. In addition to recognizing Italy's new order it provided for concert of action by Japan and Germany in Central and South America. The matter was further discussed at a continued meeting on July 16, 1940, held to obtain the opinion of the army and navy and to adopt a unified policy.

F-137. However, before the negotiations could begin (F-136. a. Fx. 527, T. 6191-6206.  
b. Fx. 528, T. 6214-30.)

be carried out as planned, it was necessary to replace  
1 the YONAI Cabinet with the Second KONOYE Cabinet --  
2 likewise as planned. It has already been noted that  
3 as early as May both the German and Japanese conspir-  
4 ators had been working toward the replacement of the  
5 YONAI Cabinet with a KONOYE Cabinet. To strengthen  
6 the cabinet's position, Foreign Minister ARITA at the  
7 end of June had planned to announce a more active  
8 foreign policy stressing that the government had never  
9 deviated from the Axis policy, had had full sympathy  
10 for Germany's new order in Europe and was still deter-  
11 mined to consolidate Axis-Japanese friendship. How-  
12 ever, the army, realizing that such a statement of  
13 friendship with the Axis would take the wind out of the  
14 sails of the opposition which was close to the Axis  
15 (and thus prevent the opposition from attaining its  
16 military alliance), protested against the proposed  
17 declaration as incompatible with the policies hither-  
18 b.  
19 to followed by the YONAI Cabinet. As a result, on  
20 June 29, 1940, ARITA made a radio address in which he  
21 sponsored the development by pacific means of a co-  
22 c.  
23 prosperity sphere in East Asia, and also disclosed  
d.  
24 the army's protest to his proposed statement. It  
(F-137. a. Ix. 530, T. 6238-9; Ex. 531, T. 6239-40.  
25 b. Ex. 531, T. 6239.  
c. Ix. 529, T. 6233-7.  
d. Ex. 531, T. 6239-40.)

1 became quite evident that the proposed ARITA policy  
2 of friendship for the Axis, deleted on army insistence,  
3 did not include a military alliance with Germany and  
4 Italy of the type desired by both the German and  
5 Japanese conspirators, when on July 13, 1940, after  
6 receiving from Ambassador SATO a report of the July 8th  
7 Conference of SATO and KURUSU with Ribbentrop and  
8 Stahmer, ARITA asked certain pointed questions showing  
9 deep distrust of Germany and her motives in connection  
10 with the proposed military alliance. He asked whether  
11 Germany did not desire to utilize Japan by having her  
12 participate in the European war, whether Germany had  
13 not begun to hope for German domination of French and  
14 Dutch colonies in East Asia, whether Ribbentrop had  
15 demanded Japan's participation in the war in connection  
16 with negotiations relative to the East Indies and Indo-  
17 China, and whether SATO had told Ribbentrop that a  
18 Japan-United States war would develop into a German-  
19 United States war.

20 F-138. Clearly, the suspicious attitude  
21 convinced by ARITA made it certain that the desired  
22 military alliance would not be concluded by the YONAI  
23 Cabinet. As early as July 8, 1940, this was recognized  
24 when Vice-Minister of War ANAMI had pointed out to KIDO  
(F-137. e. Ex. 525, T. 6186-8.)

1 that the YONAI Cabinet was not suitable for negoti-  
2 ating with Germany and Italy and might cause a fatal  
3 delay and had stated that the army would support the  
4 KONOYE candidacy. Accordingly, on July 16, 1940,  
5 War Minister HATA resigned. It is not necessary to  
6 consider at this time the exact role played by HATA in  
7 submitting his resignation, since that will be fully  
8 considered in the discussion of his individual liability.  
9 For present purposes, it is sufficient to note that  
10 he did resign. As a result of HATA's resignation and  
11 the reluctance of the Three Military Chiefs, of which he  
12 was one, to recommend a successor under the circum-  
13 stances, the YONAI Cabinet resigned en bloc on the same  
14 day. On July 16, 1940, KONOYE was recommended for  
15 Premier and by the 22nd he had formed his cabinet.  
16

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23 (F-138. a. Ix. 532. T. 6243.  
24 b. Ix. 532, T. 6244.  
c. Ix. 532, T. 6246-8.  
25 d. Ex. 532, T. 6253-6; Ex. 102, p. 1.)

F-139. The new Cabinet chosen by KOJOYE

1 showed clearly that it would soon bring about a mili-  
2 tary alliance with Germany and Italy. MATSUOKA be-  
3 came Foreign and Overseas Minister and Vice President  
4 a. of the China Affairs Board. Even before the new  
5 cabinet took office, MATSUOKA advised Ott confiden-  
6 tially that he had accepted the position of Foreign  
7 Minister and requested friendly cooperation from Ger-  
8 b. many. SHIRATORI declined appointment as Vice-Foreign  
9 Minister, but let it be known to the Germans that he  
10 was being considered for appointment as permanent ad-  
11 visor to the Foreign Minister, in which capacity he  
12 expected to exercise a far-reaching influence in the  
13 c. new government. OKASHI, former Manchurian Vice-  
14 Foreign Minister and a convinced adherent of the Ger-  
15 man course in foreign policy, was appointed Vice-Foreign  
16 d. Minister. On the day of KOJOYE's appointment, Ott  
17 cabled to the German General Staff that there would be  
18 a speedy Japanese transition to a more active anti-  
19 e. English policy. The press, in approving MATSUOKA's  
20 appointment, announced that a new orientation of Japanese  
21 foreign policy might be expected and OSHIMA and SHIRA-  
22 f. TOKI expressed the same views in press interviews.

24 (F-139 a. Ex. 116, T. 739 d. Ex. 538, T. 6265  
25 b. Ex. 535, T. 6261 e. Ex. 533, T. 6257-8  
c. Ex. 538, T. 6265 f. Ex. 536, T. 6262.)

Prior to the completion of the cabinet on July 22,  
1 1940, Premier KONOYE, Foreign Minister MATSUOKA, War  
2 Minister TOJO and Navy Minister YOSHIDA met and drew  
3 up an authoritative foreign policy for the cabinet,  
4 including therein rapprochement with the Axis.  
  
F-140. Once formed, the new KONOYE Cabinet  
5 adopted rapprochement with the Axis as part of its  
6 basic national policy. On July 26, 1940, the new Cab-  
7 inet formulated its basic national policy. It stated  
8 that its fundamental aim was to establish world peace by  
9 first constructing a New Order of Greater East Asia  
10 built upon the firm solidarity of Japan, Manchukuo and  
11 China with Japan as the center. Japan would march for-  
12 ward to the realization of this policy by mobilizing  
13 total national strength. Armaments were to be in-  
14 creased to insure the execution of national policy.  
  
Although it was asserted that the fundamental aim of  
17 Japan's foreign policy was confined for the time being  
18 to the construction of the New Order, a long range view  
19 was to be taken of world changed with the idea of adopt-  
20 ing constructive and elastic measures for the advance-  
21 ment of Japan's national fortunes. This decision on  
22 a. national policy was shortly followed on July 27, 1940,  
23 (F-139 g. Ex. 537, T. 6262-3)  
24 (F-140 a. Ex. 541, T. 6271-6)

1 by the decision of the Liaison Conference to foster  
2 a strong political tie with Germany and Italy and to  
3 take active steps to adjust diplomacy toward the Soviet  
4 Union, while maintaining a firm front toward the  
5 United States. This expression of national policy  
6 was the subject of a Foreign Office Announcement on  
7 August 1, 1940. In this MATSUOKA stated that in con-  
8 cert with those friendly powers which were prepared to  
9 cooperate with Japan, Japan would strive with courage  
10 and determination for the fulfillment of the ideal and  
11 the heaven-ordained mission of Japan.

12 F-141. The Cabinet by its actions, in addi-  
13 tion to its decisions on national policy, showed clear-  
14 ly that it was strengthening Japan's foreign policy  
15 with regard to the Axis coalition, TOJO entered upon  
16 a program to promote anti-British feeling, encouraged  
17 action against British possessions in East Asia and  
18 restrained pro-British activity of the court and econ-  
19 a. omic circles. On August 23, 1940, MATSUOKA announced  
20 the recall of numerous ambassadors and other diplomatic  
21 officials and declared that this action was necessary  
22 in order to secure the new foreign policy introduced by  
23 him and to coordinate the Japanese foreign service with  
24 (F-140 b. Ex. 1310, T. 11795  
c. Ex. 1297, T. 11714-7)  
25 (F-141 a. Ex. 546, T. 6293)

the new Japanese conditions.

F-142. On August 1, 1940, the negotiations  
2 were again reopened both in Japan and in Germany. On  
3 that day, KURUSU met with Weizsacker. He sought ex-  
4 pression of German views as to how Japan should coop-  
5 erate in the promotion of Japanese-German friendship,  
6 particularly if and at what time Germany wished "to  
7 see the Japanese weight thrown on the scale of the  
8 present conflict." He pointed out that even if  
9 Japan did not intervene in the war at that time, her  
10 fleet would by all means have great potentialities in  
11 the future. <sup>a.</sup> He also expressed the hope that Japan  
12 might belong to the New Order after the war and would  
13 not be forgotten in the new apportionment of the world.  
14 b

On the same day, MATSUOKA met with Ott and made known  
Japan's intention to establish a new order of Greater  
East Asia including the South Seas. Apprehensive of  
German attitude toward the South Seas, MATSUOKA denied  
that Japan was planning to subjugate and exploit these  
regions and stated he would oppose any Japanese attempt  
in that direction. He pointed out that while there  
might be some doubt of this when the China Incident  
was surveyed superficially, if Japan was given enough  
(F-141 b, Ex. 548, T. 6297-8)

(F 142 a. Ex. 542, T. 6278-81  
b. Ex. 543. T. 6282)

time, she would realize her idea of liberation and  
1 freedom of all races in China as well as elsewhere.  
2 havin thus attempted to reassure Germany of Japan's  
3 intentions, he inquired as to what attitude Germany  
4 would assume toward the Japanese course of action in  
5 the South Seas and what Germany would wish to do to-  
6 c.  
7 ward America.

F-143. Having determined that Japan would  
8 enter into a military alliance, the conspirators next  
9 turned to the problem of the nature, purpose and scope  
10 of the alliance. A decision of the Four Ministers'  
11 Conference between KONOYE, TOJO, MATSUOKA and the Navy  
12 Minister was reached on September 4, 1940. This was  
13 later approved by the Liaison Conference on September  
14 19, 1940. It was decided that "the time is now ripe  
15 for speedy initiation of conversation" among the three  
16 Axis powers for the strengthening of the Axis. At  
17 the very outset, the ccnspirators thus recognized that  
18 the obstacle which had divided them in 1938 and 1939 -  
19 the question of the timeliness of an all out military  
20 alliance - no longer existed. It was no longer prema-  
21 ture under the conspiratorial plan to enter into such  
22 an alliance. All were now agreed that the proper time  
23 (F-142 c. Ex. 545, T. 6286-92)  
24 (F-143 a. Ex. 541, T. 6307)

had come. The basic principles governing the negotiations were determined to be: (1) to make a fundamental agreement among the three countries so that they should mutually cooperate by all possible means in establishing a new order in Europe and in Asia; (2) to carry out consultations in as short a period as possible in regard to the best means for accomplishing cooperation, "consultation" being defined as meaning negotiations for military collaboration to be conducted in accordance with plan; and (3) to give publicity to the basic principles by a joint declaration. It was explained that "cooperation" meant that Japan would be resolved to take any action including recourse to armed force. It was stated that if Germany did not immediately require armed cooperation against Britain, b. Japan's objective would be the United States.

F-144. The decision set forth with great particularity the four basic principles which were to govern the negotiations for the military alliance. The first principle was that the three powers arrive at a mutual understanding with respect to supporting in all ways the establishment and administration of their respective spheres and with respect to cooperating on their policies toward Britain, the Soviet Union (F-143 b. Ex. 541, T. 6308-9)

and the United States. Close economic cooperation was  
1 planned to carry out preferential mutual interchange  
2 of material resources, to accord favorable considera-  
3 tion to the economic activities of the others in the  
4 respective spheres and to exchange techniques. While  
5 they planned to maintain peace with the Soviet Union  
6 and to induce her to follow Axis policy, provision was  
7 made for consultation in the event of the danger of  
8 war between any of them and the Soviet Union. They  
9 would cooperate to prevent the United States from in-  
10 terfering with the political and economic interests of  
11 the Axis powers, and in the event of war between the  
12 United States and any one of them, the others would  
13 assist by all possible means. Cooperation would extend  
14 a.  
15 to action in Central and South America. The second  
16 principle was that the Axis should speedily arrive at  
17 an understanding on their mutual support and coopera-  
18 tion in the China Incident and European war. Japan was  
19 to afford the others facilities to acquire natural and  
20 material resources in East Asia and to facilitate the  
21 war against Britain, while Germany and Italy were to  
22 furnish to Japan machinery and technical assistance and  
23 to cooperate as much as possible in settling the China  
24 b.  
25 Incident.

(F-144 a. Ex. 541, T. 6310-12  
b. Ex. 541, T. 6312-14)

F-145. The third principle was that the negotiations were to be based on five essentials. The first essential was that Japan's sphere for her New Order in East Asia was to include the Mandated Islands, French Indo-China, the Pacific Islands, Thailand, British Malaya, British Borneo, The Netherlands East Indies, Burma, Australia, New Zealand, India and other countries, with Japan, Manchukuo and China as the backbone. The goal for the East Indies and Indo-China was to have them in a state of preparedness for independence with the immediate object of securing recognition of Japan's political and economic predominance.<sup>a.</sup> The second essential was a detailed analysis of the economic cooperation that each party should afford.<sup>b.</sup> The third essential dealt with Axis cooperation with regard to the Soviet Union and the United States. Japan, closely collaborating with the others, would restrain the Soviet Union on the East, West and South, induce her to align herself with the Axis, and try to have her advance to the Persian Gulf, and, in case of necessity, to India. Japan would bring pressure on the United States through collaboration with the others so that Japan's ends might be attained, and for that purpose  
(F-145 a. Ex. 541, T. 6314  
b. Ex. 541, T. 6316)

would use the emigrant and economic footholds which  
1 Germany and Italy had in South America. The fourth  
2 essential decided was that Japan should take such  
3 steps as the situation might require to eliminate the  
4 political and economic interests of Britain in East  
5 Asia. Japan would cooperate in the German-Italian  
6 war against Britain by eliminating British interests  
7 in East Asia, by anti-British demonstration and propa-  
8 ganda and by supporting independence movements in British  
9 colonies.<sup>c.</sup> The fifth essential was that with respect  
10 to the possible use of armed force against Britain and  
11 the United States, Japan would make its decisions inde-  
12 pendently in accordance with the principle that in the  
13 event the China Incident should become nearly settled,  
14 Japan would use armed force by taking as favorable an  
15 opportunity as might be afforded by the situation pre-  
16 vailing at home and abroad. However, if the incident  
17 was not settled, Japan's guiding principle would be to  
18 take action within limits short of war, but if conditions  
19 improved and it was considered, irrespective of the  
20 completion of Japan's preparations, that the interna-  
21 tional situation permitted no further delay, Japan would  
22 resort to armed force.<sup>d.</sup> The fourth principle governing  
23 the military alliance was that the understandings men-  
24 tioned need not take the form of agreements.<sup>e.</sup>  
25 (F-145 c. Ex. 541, T. 6316-8 c. Ex. 541, T. 6319  
d. Ex. 541, T. 6318-0 f. Ex. 541, T. 6321)

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F-146. This decision of the Four Ministers and Liaison Conferences has been dealt with at some length because the prosecution regards it as one of the most important documents in the entire proceedings. It is the culmination and the definitive expression of Japan's plan of expansion by force to establish the so-called New Order in Greater East Asia. It defines in detail the real object of Japan's aggression and sets forth the methods, including aggressive warfare, which the conspirators were willing to take to achieve that object.

F-147. Armed with the decision of the Four Ministers Conference of September 4, 1940, MATSUOKA lost no time in bringing the negotiations to a successful conclusion. During the first week in September, Stahmer, who had been sent to Tokyo as the result of the conversations between MATSUOKA and Ott in August, arrived. Conversations were held between MATSUOKA, Ott and Stahmer on September 9th, 10th, and 11th. In these conversations the German conferees avoided the mistakes of 1938 and 1939 which had brought about the failure of the negotiations. They did not insist that Japan take any action which she was not yet prepared to take. On the contrary, they tried F-146, a. Ex. 550, T. 6334.

to establish the idea that German policy was the same  
1 as that of Japan and to assure Japan that she would  
2 not be required to take any action under the proposed  
3 military alliance for which she was not yet prepared.  
4 They assured Japan that Germany did not want the  
5 European war to develop into a world war, but wanted  
6 the United States to stay out of the war. Germany  
7 did not at that point want Japan's military assistance  
8 against England, but wanted Japan to assist in keep-  
9 ing the United States from entering the war by all  
10 means. The only way to prevent the United States  
11 from entering the war in Europe or with Japan was  
12 b. through a military alliance. The conspirators  
13 moved with great haste. By September 11th, the  
14 conferees had agreed on a draft treaty,<sup>c.</sup> and on  
15 September 16th the draft was considered by the  
16 d. Imperial Conference. The treaty was completed by  
17 September 26th and considered by the Privy Council  
18 on that day. The matter was first considered by the  
19 e. Investigation Committee of the Council. On the  
20 same day, the Investigation Committee, without making  
21 f. its usual written report, recommended orally that the  
22 treaty be ratified. At the conclusion of the report  
23 P-147. b. Ex. 549, T. 6323-7. c. Ex. 552, T. 6351-78.  
24 c. Ex. 550, T. 6335. f. Ex. 553, T. 6380-9.  
25 d. Ex. 550, T. 6330-43.

the Privy Council unanimously ratified the treaty.

b.

1 The treaty was signed on September 27, 1940.

2 F-148. The treaty provided that the three  
3 parties, Japan, Germany and Italy, recognize each  
4 other's leadership in establishing a new order in  
5 their respective spheres. The parties agreed to  
6 cooperate in carrying out this policy and agreed  
7 that if one of the signatories were attacked by any  
8 third power not engaged in the European War or China  
9 Incident, the others would aid that party in all  
10 political, economic and military ways. To carry out  
11 the alliance a joint specialized committee appointed  
12 by the powers was to meet as soon as possible. Each  
13 confirmed that the treaty had no effect on the present  
14 relations between any of them and the Soviet Union.  
15 a.

16 The fraudulent nature of this last provision will be  
17 discussed later.

18 F-149. In addition to ratification of the  
19 principle treaty, other documents were exchanged. In  
20 a letter to MATSUOKA, Ott reiterated the pledge con-  
21 tained in the treaty, offered Germany's good offices  
22 to promote a friendly understanding between Japan and  
23 the Soviet Union, and promised economic assistance to  
24 F-147. g. Ex. 553, T. 6389-90.

25 h. Ex. 43, T. 6393.  
F-148. a. Ex. 43, T. 6392-3.

Japan to facilitate the establishment of the new  
1                   a. order. MATSUOKA wrote to Ott that while Japan  
2                   hoped there would be no armed conflict between her-  
3                   self and Britain, since it was not certain that there  
4                   would be no such armed conflict, Japan desired to  
5                   call Germany's attention to this possibility and to  
6                   state that she was confident that Germany would do  
7                   all in its power to aid Japan in that event. Ott  
8                   also confirmed in writing his previous oral decla-  
9                   ration that Germany agreed that the former German  
10                  colonies actually under Japan's mandate in the South  
11                  Seas were to remain with Japan, Germany to be com-  
12                  pensated therefor; and with respect to other former  
13                  colonies in the South Seas, Germany would confer  
14                  with Japan on their sole to Japan for compensation  
15                  after they had been returned to Germany at the con-  
16                  clusion of the peace.  
17                   c.

18                  F-150. The defense contend that this treaty  
19                  was in fact an instrument of peace designed to keep  
20                  the United States out of the war and to prevent the  
21                  war from spreading to a world-wide conflagration.  
22                  Admittedly, the pact was designed to keep the United  
23                  States out of war. This was, however, not for the

24                  F-149. a. Ex. 555-B, T. 6396-9.

b. Ex. 555-C, T. 6400-1.

c. Ex. 555-A, T. 6404; Ex. 556, T. 6401-3.

purpose of maintaining world peace but to facilitate  
1 the execution of the aggressive plans by eliminating  
2 through duress a possible obstacle to those plans. If  
3 any concept of world peace entered into the thoughts  
4 of the conspirators, it was a world peace based  
5 solely upon their own terms and conditions, regard-  
6 less of the desires and needs of the rest of the  
7 world. It was, indeed, a strange peace which the  
8 treaty was to provide. It was the peace that the  
9 burglar gives when he binds and gags the watchman  
10 before robbing the house. It is no coincidence that  
11 in considering this instrument of peace, the Privy  
12 Council devoted most of its discussions to the subject  
13 a. of Japan's preparedness for war. Moreover, the  
14 United States was to be kept out of war only so long  
15 as the conspirators desired that situation to exist.  
16 The Four Ministers Conference of September 4, 1940,  
17 had already decided that Japan would go to war with  
18 the United States when Japan was prepared or when the  
19 b. international situation was favorable.

20 F-151. This defense is, indeed, a cynical one,  
21 completely unworthy of consideration. The concept of  
22 peace of these accused and their fellow conspirators

23 F-150. a. Ex. 552, T. 6353-6; 6365-7.  
24 b. Ex. 541, T. 6319.

was the perverted one of the gangster. An alliance among gangsters does bring peace to the gangsters, but to the rest of the community it has always brought trouble and terror. This treaty was in every sense an alliance of gangsters, and that fact was known to those accused before and at the time of entering the alliance. They had chosen their allies carefully. On the one hand, they allied themselves with Mussolini, who had invaded and bombed Ethiopia, who had joined the war against France when she was on the point of collapse and who had invaded Greece. On the other hand, they allied themselves with Hitler, who had taken Austria and Czecho-Slovakia, who had invaded and devastated Poland, who had overrun France and Belgium, who for purposes of military expediency had violated the neutrality of Belgium, Holland, Denmark and Norway, and who was openly engaged in a program of exterminating unwanted peoples in his own country and in those of his victims. These were the allies with whom MATSUOKA publicly stated Japan had a common unity, "the result of a strong spiritual combination based on a common idea."<sup>a.</sup> These facts about Japan's allies were known throughout the world, and these accused cannot pretend to have been ignorant.

F-151. a. Ex. 473C, T. 6424.

Nor can they expect us to believe that peace was the  
1 objective of an alliance with such allies. With the  
2 signing of this pact, the conspirators brought Japan  
3 formally and completely into the Axis partnership  
4 in crime. Whatever doubts may have existed that this  
5 treaty was a formal alliance to divide up the world  
6 among the Axis partners were eliminated when OSHIMA  
7 publicly stated that the fact that the alliance was  
8 concluded with the grand object of establishing a  
9 new order in the world constituted the great feature  
10 b.  
11 of the treaty.

F-152. Immediately after the signing of  
12 the Tripartite Pact steps were taken to implement it.  
13 Within a few months of its conclusion the German and  
14 Italian satellite nations had joined. Hungary joined  
15 on November 20, 1940, Roumania on November 23,  
16 Slovakia on December 24, Bulgaria on March 1, 1941,  
17 and Croatia on June 15, 1941.<sup>a</sup> The treaty had  
18 provided for the appointment of a commission to  
19 effectuate its purpose. In each of the capital  
20 cities of Tokyo, Berlin and Rome, a general commission  
21 and two technical commissions, one economic and one  
22 military, were formed. Each general commission was  
23  
24 F-151. b. Ex. 3517A, T. 34184.  
25 F-152. a. Ex. 558, T. 6412.

made up of the Foreign Minister of the country in  
1 which it sat and the ambassadors of the other two  
2 countries. The general commissions had the task of  
3 executing the Tripartite Pact and were to be supported  
4 by the subordinate commissions. The technical com-  
5 missions were required to submit their proposals to  
6 b.  
7 the general commission. The defense maintains that  
8 these commissions did not function and that the par-  
9 ties to the Tripartite Pact did not in fact cooperate  
10 as provided. However, YOKOI, a witness for OSHIMA,  
11 explained the reason for this fact. He admitted on  
12 cross-examination the statement previously given in  
13 his interrogation that the joint military commission  
14 did not function effectively because there was an  
15 unofficial commission consisting of OSHIMA and Ribben-  
16 trop, which conferred on military measures. It was  
17 therefore difficult for the subordinate military  
18 c.  
19 commission to carry out its functions. Regardless  
20 of whether the military commission functioned, the  
21 economic commission in Berlin had by April 28, 1941,  
22 set up for itself a complete work program for both the  
23 d.  
24 war and the post-war period. To further implement  
25 the Pact, OSHIMA, who had worked zealously for its  
F-152. b. Ex. 559, T. 6418-20.  
c. T. 33972-3.  
d. Ex. 598, T. 6630-4.

corclusion since it had first been proposed, was  
1 on December 20, 1940, again appointed ambassador to  
2 Germany.<sup>e.</sup> MATSUOKA, the army and the navy felt that  
3 they must have a reliable proponent of this alliance  
4 in the post at Berlin.<sup>f.</sup> In a speech given before  
5 OSHIMA's departure, MATSUOKA, perhaps needlessly,  
6 reminded him that both the wars in Europe and in  
7 China had a fundamental common cause and that unity  
8 between Japan and Germany was not at all due to  
9 chance but was "the result of a strong spiritual  
10 combination based on a common idea."<sup>g.</sup>

12 F-153. The signing of the Pact was shortly  
13 followed by concrete acts of cooperation. By January  
14 31, 1941, Ott was able to report that Japan was try-  
15 ing to scare off America by threats, armament measures  
16 and sharp speeches.<sup>a.</sup> When difficulties arose between  
17 Thailand and French Indo-China over their border and  
18 Japan thrust herself into the conflict as mediator,  
19 Germany used its control over Vichy to obtain French  
20 consent to the mediation.<sup>b.</sup>

21 F-154. Notwithstanding that the Pact did  
22 not require Japan to give assistance against any power  
23 then involved in the wars, Germany and certain of the  
24 F-152. e. Ex. 121, T. 767. F-153.a.Ex.562,T.6430.  
f.Ex. 560, T. 6422. b.Ex.565,T.6444-5;  
g. Ex. 473C, T. 6423-4. Ex.564,T.6446;  
Ex.565,T.6647;  
Ex.566,T.6647.

conspirators in Japan almost immediately began  
1 planning to bring Japan into the war against England.  
2 In January 1941, with knowledge that activist circles  
3 in Japan, of which SHIRATORI was a leader, were demand-  
4 ing a preventative attack on Singapore, Ott and his  
5 attaches made a study on the prospects of an attack  
6 on Singapore, both as to the chances of success and  
7 the advantages to be gained therefrom for both Japan  
8 and Germany. The results were reported to Ribbentrop  
9 on January 31, 1941. In February, after Ribbentrop  
10 had been informed that MATSUOKA would visit Germany  
11 about the middle of March,<sup>a.</sup> he and Weizacker, in  
12 contemplation of the visit, took up with OSHIMA the  
13 matter of bringing Japan into the war against England.<sup>c.</sup>  
14 OSHIMA was informed that the war with England had been  
15 won militarily, economically and politically, but  
16 that Germany desired it to end quickly and for this,  
17 cooperation with Japan was important. Japan should  
18 strike quickly with a decisive blow by an attack on  
19 Singapore to eliminate England in East Asia and secure  
20 for Japan the position it could win only in war.  
21 Ribbentrop thought it wise for MATSUOKA to bring with  
22 him the final decision to attack Singapore so that  
23  
24 F-154. a. Ex. 562, T. 6430-4.  
b. Ex. 569, T. 6453-5.  
c. Ex. 570, T. 6457; Ex. 571, T. 6459-67.

they could discuss the details. The occupation must take place speedily without a declaration of war.  
1 Ribbentrop warned that Japan must obtain for herself  
2 the position she hoped to have at the conclusion of  
3 peace.<sup>a.</sup> At the same time, Ott was instructed by  
4 Ribbentrop to work with all means so that Japan would  
5 take possession of Singapore as soon as possible by  
6 surprise.<sup>b.</sup> The German Army was instructed to  
7 cooperate with Japan to bring Japan into immediate  
8 active operations in the Far East to immobilize  
9 English forces and tie United States interests to the  
10 Pacific.<sup>c.</sup> To obtain Japan's entry into the war,  
11 Germany was prepared to renounce her claims to the  
12 Netherlands East Indies and the Mandated Islands and  
13 to increase support of Japan's policy in China.<sup>d.</sup>

F-155. In March 1941, MATSUOKA came to Berlin  
16 and conferred with Hitler, Ribbentrop, and Goering.<sup>e.</sup>

The constant theme of all these discussions was the  
17 importance of an early attack by Japan on Singapore.  
18 Ribbentrop assured that such an attack would not mean  
19 war with the United States.<sup>f.</sup> MATSUOKA advised that  
20 he was using a policy of reassuring Britain about  
21

F-154. d. Ex. 571, T. 6463-7. f. Ex. 573, T. 6470-3;  
22 e. Ex. 572, T. 6468. Ex. 574, T. 6474-5.  
23 g. Ex. 573, T. 6476-7.

F-155. a. Ex. 577, T. 6485; Ex. 582, T. 6538.  
24 b. Ex. 578, T. 6499; Ex. 579, T. 6513; Ex. 580,  
25 T. 6522; Ex. 583, T. 6456.  
c. Ex. 581, T. 6534; d. Ex. 579, T. 6521.

Singapore in order to fool Britain, the United States  
1 and the pro-British elements in Japan until the at-  
2 e. When MATSUOKA asked for a German written  
3 promise of assistance against Singapore, Ribbentrop  
4 promised technical aid on dive-bombing and attack on  
5 fortifications. When MATSUOKA expressed the possi-  
6 bility that an attack on Singapore might involve  
7 Japan in war with the United States, Hitler promised  
8 that in that event Germany would strike without delay.  
9 MATSUOKA promised Hitler to make a favorable decision  
10 at the opportune time, but he asked that the matter  
11 discussed be kept secret. He did not even intend to  
12 tell the Emperor or KONOYE.  
13 h.

F-156. On his way home, MATSUOKA concluded  
14 a neutrality pact with the Soviet Union on April 13,  
15 1941. This was an obvious move in protection of  
16 a. the projected move against Singapore. However, the  
17 ink was hardly dry on Japan's nonaggression treaty,  
18 when on June 22, 1941, Germany invaded the Soviet  
19 b. Union. Notwithstanding the nonaggression pact with  
20 the Soviet Union and notwithstanding the fact that the  
21 Tripartite Pact expressly excluded the Soviet Union  
22 from its operations, OSHIMA agreed to influence Japan  
23 F-155. c. Ex. 580, T. 6524. g. Ex. 582, T. 6538-40.  
24 f. Ex. 580, T. 6529-30. h. Ex. 582, T. 6544-5.  
25 F-156. a. Ex. 45, T. 6553; b. T. 6561.

1 toward speedy military action against the Soviet  
2 Union, and Ott was instructed to utilize all possi-  
3 bilities to influence Japan. They were to point out  
4 that it was in Japan's interest to so move and that it  
5 would solve the China question and facilitate the  
6 <sup>c.</sup> drive toward Singapore. Japan, however, determined  
7 to go through with the program of advancing to the  
8 <sup>d.</sup> South.

9 F-157. Beginning in November 1941, final  
10 arrangements for military cooperation against the  
11 Western Powers were made between Germany and Japan.  
12 On November 18, 1941, Ribbentrop advised that Germany  
13 was willing to make a no-separate-peace agreement in  
14 case both nations became involved in war against the  
15 <sup>a.</sup> United States. On November 23, 1941, OKAMOTO,  
16 inquired of Ott whether Germany would consider herself  
17 at war with the United States in the event Japan  
18 <sup>b.</sup> began a war against her. Ribbentrop replied on  
19 November 29, 1941, by encouraging OSHIMA to have  
20 Japan declare war, and promised that if Japan did  
21 become engaged in a war against the United States,  
22 <sup>c.</sup> Germany would join immediately. The matter was  
23 taken up officially with Germany on December 2, 1941,  
24 F-156. c. Ex. 587, T. 6562-4; d. Ex. 588, T. 6566-9.  
25 F-157. a. Ex. 601, T. 6638;  
b. Ex. 602, T. 6640; c. Ex. 603, T. 6641-5.50

1 and with Italy on December 3, 1941, when Mussolini  
2 promised an immediate declaration of war by Italy on  
3 the outbreak of war.  
4

5 F-158. By December 7, 1941, Japan had  
6 fully completed her alliances in preparation for war.  
7 The obligations of the alliances were honored by  
8 her allies. On December 11, 1941, Japan, Italy, and  
9 Germany entered into a no-separate-peace pact to  
10 fight the war with Britain and the United States until  
11 victory was achieved. On January 18, 1942, the  
12 three nations entered into a military agreement  
13 designating the areas where the forces of each would  
14 operate and defining the main points of military  
15 cooperation. They were to maintain contact in  
16 operational planning and collaboration in economic  
17 and psychological warfare.

18 MR. TAVENNER: Mr. Justice Borgerhoff Mulder  
19 will continue for the prosecution.

20 F-157. d. Ex. 605, T. 6655-6; Ex. 607, T. 6660-1.

21 e. Ex. 606, T. 6657-9.

F-158. a. Ex. 51, T. 6668-70.

b. Ex. 49, T. 6681-5.

THE PRESIDENT: Mr. Justice Borgerhoff Mulder.

1 MR. JUSTICE BORGERHOFF MULDER: (Reading)

2 Part IV of the Conspiracy. Expansion of  
3 Aggression to the Rest of East Asia and the Southwest  
4 Pacific.

5 G-1. The plan of 1936 to secure a steady  
6 footing on the Asiatic Continent and to advance to the  
7 South Seas for the purpose of building Japan's New  
8 Order in Greater East Asia and the all-out preparation  
9 for war in excess of the needs occasioned by the hosti-  
10 lities in China make it apparent that Japan's plans  
11 for expansion did not stop at the borders of China.  
12 The conspiratorial plans envisioned not only domination  
13 of the vast domain of China but also domination of the  
14 rest of East Asia and of the Southwest Pacific. How-  
15 ever, before this grandiose objective could be com-  
16 pletely achieved certain formidable obstacles had to  
17 be eliminated. These obstacles were two-fold. On the  
18 one hand with respect to the expansion into China proper  
19 and into the areas south of China, the obstacle was the  
20 Western Powers, particularly Britain, the United States,  
21 France and Holland. On the other hand with respect to  
22 the expansion into China proper and into the areas  
23 north of China, the obstacle was the Soviet Union.  
24 Both of these obstacles had to be overcome.

1                   A. Aggression Against the Western Powers.

2                   1. Efforts to Eliminate the Western Powers

3                   Prior to 1939.

4                   G-2. Apart from the resistance of the Chinese  
5                   and the other peoples of Asia, the Western Powers,  
6                   especially Britain and the United States, were the  
7                   great and formidable obstacles to the successful  
8                   achievement of all that the conspirators planned. They  
9                   were obstacles not only because they themselves were  
10                  objects of Japan's aggression and because of the vast  
11                  financial and economic interests which they or their  
12                  nationals possessed in China and the rest of Asia and  
13                  the Pacific, which interests had to be expelled or  
14                  limited and subordinated to those of Japan if the  
15                  conspiratorial plan were to succeed; but also because  
16                  through solemn treaty and agreement Japan stood firmly  
17                  bound with them to forego the aims and ends of the  
18                  conspiracy and to forbear from any and all of the actions  
19                  required to effectuate it.

20                  G-3. So long as the provisions of the various  
21                  treaties remained in full force and effect, so long  
22                  as the parties signatory to them felt themselves firmly  
23                  bound to respect them both in letter and spirit,  
24                  Japan could not obtain combination of the East Asiatic  
25                  and Pacific worlds. The object of the conspiracy

could be successfully attained only if the formidable  
1 obstacle of the Western Powers could be removed, and  
2 that could be accomplished only if these treaty pro-  
3 visions and their correlative duties and obligations  
4 could be evaded, abrogated, altered, redefined or  
5 broken. The history of the relations between Japan  
6 and the Western Powers, especially the United States  
7 and Great Britain, from 1931 on is the story of the  
8 efforts of the conspirators to rid Japan of the duty  
9 of carrying out the various obligations which she had  
10 voluntarily undertaken to respect the rights of others  
11 in the Asiatic-Pacific world and of the resistance of  
12 the Western Powers to such efforts. To free Japan of  
13 her duties and obligations under these treaties so as  
14 to eliminate the Western Powers from the Asiatic-Pacific  
15 world or to subordinate their rights there to those of  
16 Japan within the limits allowed by Japan, the conspi-  
17 rators resorted to every known or conceivable method  
18 to evade, alter, abrogate, redefine or break the  
19 treaties. They used intimidation, fraud, artifice  
20 and chicanery, subtle redefinition of terminology,  
21 negotiation, and when all else failed, they resorted  
22 to the unlawful use of armed force against the Western  
23 Powers.  
24

G-4. From 1931 to 1941, the conspirators

made every effort to deprive the Western Powers and  
1 their nationals of their legitimate interests in Asia  
2 and in the Pacific, to force them to withdraw from the  
3 area or to accept a position inferior to that held by  
4 Japan and the Japanese. In Manchuria the Japanese  
5 monopolized industry, were given tax exemptions and  
6 other preferences which conferred upon them a highly  
7 favorable position as against the nationals of other  
8 powers. Huge organizations were subsidized and Japanese  
9 controlled. Manchurian economy was completely integrated  
10 with that of Japan.

G-5. As fighting progressed in China, there  
12 were many hostile acts performed -- all designed,  
13 contrary to treaty provisions, to bring about the eli-  
14 mination of Britain and the United States and other  
15 nations from the Chinese picture either voluntarily or  
16 involuntarily. Property belonging to the United States  
17 or Great Britain, or their respective nationals was  
18 repeatedly bombed, often after protest and often after  
19 fighting had ceased in the area where the property was  
20 situated. Other properties were seized, looted and  
21 occupied. Protests were often unanswered, or there  
22 were unduly protracted delays in replying to them. The  
23 (G-4. a. Ex. 939, T. 9413; Ex. 944, T. 9419-20.  
24 Ex. 941, T. 9481-2; Ex. 966, T. 9483-5.)  
25

property destroyed included government, missionary,  
1 hospital, university and other charitable properties.  
2 They bombed the U.S.S. Panay and H.M.S. Ladybird and  
3 b. other ships. Citizens of the two nations were killed,  
4 assaulted, insulted and degraded so as to appear  
5 c. inferior to the Japanese. Western business interests  
6 were interfered with and compelled to shut down or to  
7 evacuate during the period of hostilities. They were  
8 either denied permission to reopen on the grounds that  
9 it was unsafe, even though Japanese business men were  
10 allowed to re-enter the area, or their entry was delayed  
11 until after the Japanese had safely established their  
12 until after the Japanese had safely established their  
13 (G-5. a. Ex. 955, T. 9456-8; Ex. 956, T. 9458-60;  
14 Ex. 971, T. 9503-4; Ex. 974, T. 9536-7;  
Ex. 975, T. 9538-9; Ex. 976, T. 9540-1;  
Ex. 980, T. 9554; Ex. 981, T. 9555;  
Ex. 982, T. 9556; Ex. 983, T. 9557-8;  
Ex. 985; T. 9560-2; Ex. 988, T. 9568-71;  
Ex. 995, T. 9603-5; Ex. 996, T. 9606-7;  
Ex. 998, T. 9609; Ex. 999, T. 9610-11;  
Ex. 1000, T. 9612; Ex. 1010, T. 9653;  
Ex. 1011, T. 9659-60; Ex. 1028, T. 9724-5;  
Ex. 1029, T. 9738-9, 9745-7; Ex. 1064, T. 9873-4;  
Ex. 1069, T. 9890-1; Ex. 1072, T. 9908;  
Ex. 1082, T. 9963; Ex. 1088, T. 9996-7;  
Ex. 1099, T. 10040.  
b. Ex. 263, T. 3517; Ex. 954C, T. 9451-4;  
Ex. 964, T. 9478-80; Ex. 995, T. 9602.  
c. Ex. 949, T. 9433-4; Ex. 956, T. 9459-60;  
Ex. 960, T. 9464; Ex. 972B, T. 9509;  
Ex. 984, T. 9558-9; Ex. 1003, T. 9618-23;  
Ex. 954, T. 9454; Ex. 955, T. 9456-8.)  
24  
25

position. The Japanese seized the customs revenues  
1 in numerous places in China, although they were pledged  
2 for the payment of the obligations of China to other  
3 nations. As in Manchuria, they set up and subsidized  
4 monopoly corporations to control the industry and agri-  
5 culture of China, in which Japanese and Japanese business  
6 held preferential positions.  
7

G-6. In addition to the hundreds of un-  
8 availing protests which they filed with Japan for in-  
9 dividual and specific violations of treaty provisions,  
10 the Western Powers, particularly the United States and  
11 Great Britain, made abundantly clear to the Japanese,  
12 both by words and actions, that they supported the  
13 principles of the treaties, that Japan's actions were  
14 in violation of treaty rights and that they expected  
15 Japan to act in accordance with her treaty duties and  
16 obligations. They repeatedly offered their assistance  
17 to aid Japan to solve her problems within the confines  
18

19 (G-5. d. Ex. 970, T. 9500; Ex. 972E, T. 9514-5;  
20 Ex. 973, T. 9534-5; Ex. 991, T. 9592-7;  
21 Ex. 992, T. 9598-9; Ex. 1001, T. 9614;  
Ex. 1002, T. 9615-6; Ex. 1003, T. 9617-8;  
Ex. 1004, T. 9626-7; Ex. 1005, T. 9628-9;  
Ex. 1022, T. 9707-11; Ex. 1024, T. 9716-17;  
Ex. 1029, T. 9740-4, 9750-1; Ex. 1031, T. 9768;  
Ex. 1032, T. 9769-70; Ex. 1033, T. 9771-2.  
e. Ex. 968, T. 9493-5; Ex. 990, T. 9590-1;  
Ex. 993, T. 9600.  
f. Ex. 1028, T. 9728, 9739-44;  
Ex. 1029, T. 9739-40;  
Ex. 1029, T. 9747-8.)

of these obligations. On September 22, 1931, within  
1 four days after the inception of the Manchurian Inci-  
2 dent, Secretary of State Stimson met with Ambassador  
3 Debuchi and pointed out to him the serious impression  
4 the matter would make in the United States, if the  
5 situation in Manchuria was not restored to status quo.  
a.  
6 On the same day, he delivered a memorandum to the  
7 Japanese Ambassador in which he made clear that the  
8 situation was of military, legal and political concern  
9 to nations other than China and Japan and that it  
10 brought up questions of the meaning of certain provi-  
11 sions in the Nine-Power Treaty and the Kellogg-Briand  
12 Pact. He also stated that while he was confident that  
13 Japan did not want to bring these treaties into appli-  
14 cation, the responsibility for determining the course  
15 of events rested on Japan, which had seized and was  
16 exercising de facto control of Manchuria. Again, on  
b.  
17 the same day, the United States addressed a note jointly  
18 to China and Japan in which Secretary Stimson expressed  
19 the hope that hostilities would cease and the matter  
20 be settled amicably, after pointing out that the United  
21 States desired that principles and peaceful methods  
22 should prevail in international affairs and after naming  
23 (G-6. a. Ex. 920, T. 9340-43.  
24 b. Ex. 921, T. 9344-7.)

1 the treaties for the adjustment of controversies without  
2 c.  
3 force to which the United States was a party.

4 G-7. When the League of Nations passed its  
5 resolution on September 30, 1931, Stimson notified the  
6 League that the United States acting independently would  
7 try to reinforce the league because of its definite  
8 interest in the matter and of its awareness of the  
9 obligations which the parties had assumed to the signa-  
10 tories of the Pact of Paris and the Nine-Power Pact.  
11 The earlier resolution of the Council of the League,  
12 of which Great Britain and France were members, was on  
13 October 24, 1931, followed by a second resolution making  
14 specific recommendations for an amicable settlement of  
15 the controversy and a third resolution of December 10,  
16 b.  
17 1931, re-affirming the earlier resolutions. On the  
18 same day on which the league passed its third resolu-  
19 tion, Secretary Stimson approved the action of the league  
20 and pointed out the interests of the United States to  
21 prevent war and secure a peaceful solution, inasmuch  
22 as a fellow signatory it had a direct interest in and  
23 obligation under the Kellogg-Briand Pact and the Nine-  
24 Power Treaty.  
25 c.

(G-6. c. Ex. 922, T. 9348-9.  
G-7. a. Ex. 925, T. 9352-3; Ex. 926, T. 9356-7.  
b. Ex. 927, T. 9358-60; Ex. 928, T. 9360-2.)  
c. Ex. 929, T. 9363-5.)

G-8. Since, notwithstanding her assurances  
1 and commitments Japan's troops moved farther into Man-  
2 churia, on January 7, 1932, Stimson warned both China  
3 and Japan that the United States could not admit the  
4 legality of any de facto situation and would not recog-  
5 nize the validity of any treaty or agreement which  
6 would impair United States treaty rights in China,  
7 including those relating to China's sovereignty,  
8 independence and integrity or to the open door, and  
9 would not recognize any situation brought about by means  
10 contrary to the Kellogg-Briand Pact.<sup>a.</sup> This was shortly  
11 followed by a press release in the form of a letter from  
12 Stimson to Senator Borah, in which Stimson reviewed  
13 the history of the Nine-Power Pact and its validity and  
14 justice as an instrument of foreign policy. He pointed  
15 out that it was an integral part of the interrelated  
16 and interdependent Washington treaty system in which  
17 Japan had joined, and could not be modified or abrogated  
18 without considering the premises on which it was based.  
19 This letter was repeated in Tokyo. In February 1933,  
20 the United States concurred with the findings of the  
21 League of Nations on the Manchurian Incident and en-  
22 dored the principles of settlement recommended by the  
23 League.<sup>c.</sup>

(G-8. a. Ex. 930, T. 9366-7. c. Ex. 933, T. 9383-4.)  
b. Ex. 932, T. 9370-82.)

G-9. On September 25, 1935, in answering inquiries with respect to the United States attitude on the autonomy movement in North China, Secretary of State Hull stressed that the movement was being carefully watched because of the United States treaty rights and obligations.<sup>a.</sup> On June 12, 1936, Hull spoke frankly with the Japanese Ambassador, making clear that many in the United States had the impression that Japan sought absolute economic combination of East Asia and other places and that this would ultimately end in political and military combination.<sup>b.</sup>

G-10. On July 21, 1937, within two weeks after the Marco Polo Bridge Incident, after having made clear in his statement of July 16, 1937, the policy of the United States toward adherence to treaties and pacific settlement of disputes,<sup>a.</sup> Hull in a conference with the Japanese Ambassador expressed the willingness of the United States to say or do anything short of mediation which might in any way contribute toward <sup>b.</sup> posing the controversies between Japan and China.<sup>c.</sup>

Following this meeting, in August 1937 Grew was authorized to and did offer the good offices of the United States in the matter.<sup>c.</sup> On August 23, 1937, the

(G-9. a. Ex. 938, T. 9403-5. b. Ex. 948, T. 9427-3.  
G-10. a. Ex. 947, T. 9424-6. b. Ex. 949, T. 9429-34.  
c. Ex. 950, T. 9435-6.)

1 Department of State, making specific reference to the  
2 situation in the Far East, reaffirmed its basic prin-  
3 ciples for the settlement of international disputes in  
4 a public statement to the press.

5 G-11. In September 1937, the United States  
6 and the League of Nations joined in the investigation  
7 of Japan's activities in China and again emphasized  
8 their adherence to the Nine\*Power Treaty and the  
9 Kellogg-Briand Pact, stressing that the matter had now  
10 gone beyond the violation of specific provisions of  
11 treaties and involved questions of world economy,  
12 humanity and security. When the League of Nations  
13 Advisory Committee on September 27, 1937, condemned  
14 the action of Japan for its aerial bombardment of open  
15 towns in China, the United States on the next day  
16 concurred in unmistakable language with the Committee.  
17 b.  
action.

18 G-12. On October 6, 1937, the day following  
19 President Roosevelt's Chicago speech in which he deplored  
20 the tendency on the part of the nations to ignore the  
21 mechanism of the Kellogg-Briand Pact, both the League  
22 of Nations and the United States concluded that Japan's  
23

24 G-10. d. Ex. 952, T. 9438-40.  
25 G-11. a. Ex. 953, T. 9440-3.  
b. Ex. 958, T. 9462; Ex. 959, T. 9463..

actions in China were inconsistent with the principles  
1 which should govern international relations and in  
2 violation of both the Nine-Power Treaty and the  
3 Kellogg-Briand Pact.  
a.

4 G-13. On March 17, 1938, Secretary Hull  
5 again publicly reiterated the offer of the United  
6 States to assist in facilitating the settlement of  
7 the conflict between China and Japan by peaceful  
8 processes; and went on to emphasize that the interests  
9 of the United States in the Far East went beyond the  
10 interests of American citizens in the area and was  
11 based on the broader, more fundamental interest that  
12 orderly processes in international matters based on  
13 principles be maintained.  
14 a.

15 G-14. Finally, on July 26, 1939, after  
16 numerous protests against commercial discrimination  
17 against its citizens, the United States notified  
18 Japan of its determination to abrogate its commercial  
19 treaty of 1911 with Japan.  
a.

20 G-15. While daily at every turn the con-  
21 spirators were carrying out an actual policy of  
22 aggression, directly contravening the express obliga-  
23 tions of the treaty provisions, they maintained for  
24 G-12. a. Ex. 961, T. 9470-2; Ex. 962, T. 9474-5;  
25 Ex. 963, T. 9476.  
G-13. a. Ex. 967, T. 9490. G-14. a. Ex. 994, T. 9602.

a long time a steadfast adherence to a professed policy  
1 that they were faithfully executing their obligations  
2 under the treaties, and denied that they were either  
3 breaking them or intended to break them, or were seek-  
4 ing in any way to have them altered or abrogated. In  
5 face of the adamant adherence of the Western Powers to  
6 the Washington and Paris Treaties system, the con-  
7 spirators did not dare to admit to these powers the  
8 reality of their actual program or even their inten-  
9 tions with respect to it. Instead they maintained  
10 piously throughout that they were faithful to their  
11 obligations and devoted their energies to devising new  
12 formulae, ostensibly within the treaty system, which if  
13 accepted by the Western Powers, would have completely  
14 emasculated both the Nine-Power Treaty and the Pact of  
15 Paris.

17 G-16. On September 24, 1931, within a week  
18 after the outbreak of the Manchurian Incident, at the  
19 conclusion of the extraordinary cabinet session of that  
20 day, a statement was issued through the Japanese Embassy  
21 in Washington to the effect that it was superfluous to  
22 repeat that Japan harbored no territorial designs in  
23 a.  
24 Manchuria. Within a few days, on September 28, 1931,  
25 the Foreign Minister stated that the Japanese forces

G-16. a. Ex. 923, T. 9349-50.

had and would exercise every care to observe the  
1 requirements of international law and agreements and  
2 would avoid any action which would prejudice an  
3 amicable agreement between Japan and China. On  
4 January 16, 1932, in answer to Stimson's note of  
5 January 7, refusing to recognize any de facto situation  
6 or agreement contrary to the provisions of the Kellogg-  
7 Briand Pact, the Foreign Minister replied that Japan  
8 was aware that the United States could be relied on  
9 to support Japan's efforts to secure full and complete  
10 fulfillment of the Washington and Kellogg treaties.  
11 He further stated that Japan regarded the open door  
12 policy as a cardinal factor in Far Eastern policies  
13 and regretted that its effectiveness was diminished  
14 by unsettled conditions in China, and assured the  
15 United States that so far as Japan could secure it  
16 the policy of the open door would always be maintained  
17 in Manchuria and China. In the statement of Count  
18 UCHIDA of August 35, 1932, and the public statement of  
19 September 15, 1932, similar announcements were made to  
20 the effect that with respect to economic activities  
21 of foreigners, Manchuria had stated that it would  
22 observe the principle of the open door and Japan  
23 G-16. b. Ex. 924, T. 9351.  
24 c. Ex. 931, T. 9368-9.

desired to do away in Manchuria with all anti-foreign  
1 policies, while at the same time guaranteeing Japan's  
2 legitimate rights and interests, and hoped that all  
3 the world would pursue their economic activities in  
4 Manchuria on a footing of equal opportunity.

5 THE PRESIDENT: We will recess for fifteen  
6 minutes.

7 (Whereupon, at 1045, a recess was  
8 taken until 1100, after which the proceedings  
9 were resumed as follows:)

10 G-16. d. Ex. 934, T. 9386-8.  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Kraft.

4 LANGUAGE ARBITER (Captain Kraft): If the  
5 Tribunal please, the following language correction is  
6 submitted: Record page 39,083, line 10, insert  
7 "Insert single quote" after the word "plan." (Note:  
8 this is a correction of a language correction.)

9 THE PRESIDENT: General MULDER.

10 MR. JUSTICE BORGERHOFF MULDER (continuing  
11 reading): The policy actually pursued was so clearly  
12 inconsistent with the statements of adherence to the  
13 treaty system made by the Foreign Office that it was  
14 deemed necessary to set up a formula within, or special  
15 interpretation of, the treaty system which would  
16 justify Japan's actions and which, if accepted by the  
17 other signatory powers, would give blanket approval  
18 to Japan's absorption of China. Accordingly, on  
19 April 17, 1934, to test the reactions of the treaty  
20 powers to the new formula, a trial balloon was raised  
21 in the form of the AMAU Statement. This statement was  
22 carefully handled and was given out as an unofficial  
23 declaration unofficially issued, so it might be easily  
24 withdrawn if international reaction was too violent.  
25 In this statement AMAU maintained that due to Japan's

special position in China, her views might not agree  
1 on all points with other nations, but it must be realized  
2 that Japan had to exercise the utmost effort to carry  
3 out her mission and fulfill her special responsibili-  
4 ties in Asia. Because of Japan's position and mission  
5 the difficulties in attitude toward China could not  
6 be evaded; and while Japan was endeavoring to maintain  
7 and promote friendly relations with foreign nations,  
8 at the same time she must act alone on her own re-  
9 sponsibility to keep peace and order in East Asia, a  
10 responsibility which could be shared with no country  
11 other than China. Japan, therefore, opposed any  
12 attempt by China to avail herself of the help of any  
13 other country to resist Japan and felt that any joint  
14 operations with a foreign power even in the nature of  
15 technical or financial assistance after the Manchurian  
16 and Shanghai Incidents had political significance.  
17 Japan had therefore to object to such action as a  
18 matter of principle, although she would not interfere  
19 with any foreign country negotiating with China on  
20 questions of finance and trade, so long as the nego-  
21 tiations benefited China and did not endanger peace  
22 in the Far East. Japan would oppose the supplying of  
23 China with planes, airdromes, military advisors or  
24  
25

a.  
loans for political uses.

1           G-18. The other signatories having received  
2       the statement without a great deal of enthusiasm,  
3       Foreign Minister HIROTA, one of the accused conspira-  
4       tors, took the earliest opportunity to assure Ambassador  
5       Grew confidentially that AMAU, under pressure of  
6       newspaper questioning, had given out this statement  
7       without HIROTA's knowledge or approval, and that the  
8       world had received a wholly false impression of  
9       Japan's policy. Japan, in fact, had no intention  
10      of seeking special privileges in China, of encroach-  
11     ing upon China's integrity or of creating trade diffi-  
12     culties for other countries. While certain foreign  
13     activities have tended to disturb the peace, which  
14     Japan desired to maintain, Japan had no intention or  
15     desire to create for herself a privileged position  
16     in derogation of the rights of others under the Nine  
17     Power Treaty, and it was Japan's policy to completely  
18     observe and support that treaty.  
19    a.

20           G-19. Despite HIROTA's purported retraction  
21       of the AMAU statement, that portion of the new formula  
22       as to Japan's special position and interest became  
23       the new dominant theme in dealing with Far Eastern  
24       matters. On May 19, 1934, when Hull asked the Japanese

25     G-17. a. Ex. 935. T. 9389-92.  
         G-18. a. Ex. 936, T. 9393.

Ambassador whether his government differed with  
1 Hull's restatement of April 28, 1934, the latter  
2 replied that Japan agreed with the fundamentals, but  
3 felt that it had a special interest in preserving  
4 peace and order in China. He then repeated the same  
5 formula that Japan had been using for weeks of her  
6 superior duty or function to preserve peace and of  
7 her special interest in the peace situation in Eastern  
8 Asia.  
9

G-20. When Hull stated that there was considerable inquiry as to why Japan had singled out the formula of superior and special interest and that people were wondering whether the phrase or formula had an ulterior, ultimate implication of an overlordship of the Orient or a purpose to secure preferential trade rights, the Ambassador replied by protesting that this was not the meaning contemplated or intended.  
18 When Hull inquired whether Japan was disposed to denounce or get rid of the treaties in whole or in part, and pointed out that that way would be less embarrassing to the United States than ignoring or violating them would be, the Ambassador replied that his government was not disposed to denounce and abrogate the treaties.  
24 G-19. a. Ex. 937, T. 9395-9402  
25 G-20. a. Ex. 937, T. 9398, 9401-2.

1 While insisting on their formula or special interpre-  
2 tation, the conspirators were not yet ready to con-  
3 fess to their actual policy.

4       G-21. Shortly after the outbreak at Marco Polo  
5 Bridge the conspirators added several new elements to  
6 their interpretation of the treaty system, so that the  
7 conduct of Japan might be construed as being per-  
8 missible within the provisions of the treaties. On  
9 August 13, 1937, through the Japanese Embassy, con-  
10 currence in the principles for maintaining world peace  
11 was set forth by Hull in his statement of July 16 was  
12 expressed with the interesting proviso that the ob-  
13 jectives of these principles could only be attained  
14 in the Far East by fully recognizing and practically  
15 considering the actual, peculiar circumstances of that  
16 region. On October 27, 1937, HIROTA, having re-  
17 ceived on October 20 the invitation of the Belgian  
18 Ambassador to a meeting of the signatory powers of  
19 the Nine Power Treaty, declined the invitation since  
20 it was based on the declaration of the League of  
21 Nations that the military operations of Japan in China  
22 violated the Nine Power Treaty. The new formula  
23 adopted was that Japan's action was a measure of self-

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25       G-21. a. Ry. 951, T.9437.

1 defense which Japan had been compelled to take in view  
2 of China's anti-Japanese policy and practice, and  
3 therefore was outside the Nine Power Treaty. While  
4 Japan still steadily maintained its allegiance to the  
5 treaty system, this reply for the first time expressed  
6 dissatisfaction with it by pointing out that to  
7 attempt to seek a solution with so many powers, with  
8 varying degrees of interest in Asia, would only com-  
9 plicate the situation and put obstacles in the path  
10 of a just solution.

11                   G-22. On January 16, 1938, the Japanese  
12 government made its formal announcement that it would  
13 thereafter cease to deal with the government of China  
14 and looked forward to the establishment and growth of  
15 a new Chinese regime which could be counted upon and  
16 with which Japan would fully cooperate. Yet, notwithstanding  
17 this direct treaty violation, the statement  
18 went on to say that this action involved no change in  
19 policy respecting Chinese territorial integrity and  
20 sovereignty or the rights and interests of others.<sup>a.</sup>  
21 The conspirators were still ostensibly paying allegiance,  
22 if only lip service, to the treaty system.

G-23. Shortly after this previous announce-

25      G-21. b. Ex. 954-A, T.9444-5;  
              Ex. 954-B, T.9446-50  
G-22. a. Ex. 972-4 T.9506-7

ment. Premier KONO announced on January 22, 1938,  
1 that it was Japan's inevitable national aim to bring  
2 permanent peace to East Asia based on close cooperation  
3 between Japan, Manchukuo and China and that there  
4 would be a comprehensive industrial scheme for these  
5       a.  
6 three nations. However, on the same day Foreign  
7 Minister HIROTA in the same Diet Session stated that  
8 Japan had no territorial ambitions in China, did not  
9 desire to cut off North China and only wanted China to  
10 collaborate for the prosperity of both. He then  
11 proceeded to state that Japan would not only allow to  
12 the fullest the rights and interests of other powers  
13 in occupied areas, but would leave the door open to  
14 all powers for cultural and economic cooperation.  
15 However, he hoped that the powers, recognizing the new  
16 conditions prevailing and appreciating the propriety  
17 of Japan's present and future demands would cooperate  
18       b.  
19 to establish a new order in the Far East. Throughout  
20 the year 1938, both Foreign Ministers HIROTA and  
21 UGAKI continued to assure the United States that Ameri-  
22 can interests in China would be respected and the  
23 principles of the open door and equal opportunity  
24       c.  
25 would be maintained.

G-23. a. Ex. 972F, T. 9516-20  
b. Ex. 972G, T. 9522-6  
c. Ex. 973, T. 9534-5

1                   G-24. At the end of 1938, upon the appoint-  
2         ment of ARITA as Foreign Minister, a new approach  
3         was introduced. In replying to a note from Ambassa-  
4         dor Grew, which admittedly possessed an important  
5         bearing on the Nine Power Pact, it was decided to  
6         avoid all phraseology that would affirm the pact's  
7         principles, to make the United States understand that  
8         the existing rights and interests of third powers  
9         would be respected, but not as a corollary of the  
10        pact, and to make it understood that the standard  
11        laws governing the future economic activities by third  
12        powers in China were to be established in conformity  
13                a.  
14         with the new conditions. The Japanese reply of  
15         November 18, 1938, made no mention of the Nine Power  
16         Pact, but pointed out that permanent peace could not  
17         be gained on ideas or principles in their original  
18                b.  
19         form as applied to pre-incident conditions. In this  
20         answer, for the first time, Japan ceased to avow her  
21         ostensible allegiance to the treaty system, although  
22         she continued to maintain she was paying allegiance  
23         to its underlying principles. On November 19, 1938,  
24         ARITA told Dooman that there had in fact been no  
25         change in policy. While his predecessors had assured

25                G-24. a. Ex. 989, T. 9573-8  
                      b. Ex. 989, T. 9576

the United States that Japan would respect the principle of the open door, the assurances were not intended to be unconditional since Japan could no longer unqualifiedly undertake to respect that policy. They had not acted in bad faith, but were attempting to do the impossible - reconcile the open door with Japan's needs and objectives. Again, on November 21, when Grew met ARITA, the latter told him that it was impossible for Japan to recognize the unconditional application of equal opportunity and the open door when the state of affairs had changed in China. He went on to assert that Japan's "Open Door Policy" and "Principles of Equal Opportunity" might clash with the rights and interests of third powers, and implied that measures necessary to foster a closer relationship between Japan and China and to insure their existence, might necessitate at times eliminating the application of these principles to some extent. On December 8, 1938, Grew was informed that the Far Eastern Treaties hampered peace and universal prosperity. No move however was made to openly repudiate the treaties.

G-24. c. Ex. 987, T. 9565-7  
d. Ex. 989, T. 9581-2  
e. Ex. 989, T. 9583-4

1           G-25. The policy announced as Japan's policy  
2       in November and December 1938 did not fully close the  
3       hiatus between her professed and actual policies.  
4       So far as the "western Powers were concerned, Japan never  
5       fully admitted that she wanted to get out of the  
6       treaty system. It was only to a fellow German con-  
7       spirator that this fact was admitted, when on July  
8       8, 1940, KURUSU and SATO told Ribbentrop that Japan's  
9       fundamental policy was and had been secession from  
10      the Nine Power Treaty system and that her object for  
11      the past nine years had been the establishment of a  
12      new order in China, that is to say, the building up  
13      of a new China seceded from the Washington Treaty  
14      a.  
15      system and in friendly relations with Japan.

16           Your Honor, Mr. Oneto will continue.

17           THE PRESIDENT: Mr. Oneto.

18           MR. ONETO: If the Court please:

19           2. AGGRESSION AGAINST THE WESTERN POWERS  
20           PRIOR TO DECEMBER 8, 1941.

21           G-26. By the end of 1938, the conspirators  
22       were ready to take the first step to expand beyond the  
23       borders of China. The first movement was into French  
24       territory. For geographically strategic reasons it

25           G-25. a. Ex. 524, T. 6183-4

1 was necessary for the success of the conspiratorial  
2 plan of expansion and aggression that the move be made  
3 in this direction. French Indo-China occupies, as  
4 may be seen from any map, a strategic position of the  
5 highest importance. Her northern frontier skirts the  
6 southern frontier of China, and joins that country  
7 with Siam and Burma, thus establishing a line of  
8 communication with Peiping, Hankow, Canton, Hanoi and  
9 Bangkok. Strategically, it also forms an excellent,  
10 if not vital, base for military operations against  
11 Malaya, Singapore, the Netherlands East Indies and  
12 the Philippines. In addition, Indo-China is rich in  
13 the natural resources vital to the prosecution of war.  
14 As early as January 1938, the movement into French  
15 territory was being considered by the conspirators.  
16 On January 17, 1938, HIROTA, at the time of breaking  
17 off peace discussions with China, advised Germany  
18 that an advance on Hainan Island, a Chinese possession  
19 of strategic value in the move to the South, was not  
20 being planned for the time being, <sup>a.</sup> thus making clear  
21 to Germany such an advance would be made at a time  
22 deemed proper. At the end of 1938, the proper time  
23 was deemed to have arrived. On November 3, 1938,  
24 G-26. a. Ex. 486G. T. 5999.

KONO issued his declaration that Japan's ultimate  
1 aim was to establish a new order which would secure  
2 eternal peace and that completion of this task was  
3 b.  
Japan's glorious mission. As a start toward the ful-  
4 fillment of this mission, on November 25, 1938, it  
5 was decided by the Five Ministers Conference that  
6 Hainan Island would be captured by military action  
7 c.  
in case of necessity. On February 10, 1939, Hainan  
8 Island was captured in a surprise attack by combined  
9 d.  
Japanese naval and military forces. This first step  
10 in Japanese military aggression in the areas south of  
11 China proper and in the South Seas was shortly followed  
12 by the occupation of the Spratley Islands, lying off  
13 the coast of French Indo-China, on March 30, 1939, and  
14 the placing of them under the jurisdiction of the  
15 e.  
government of Taiwan. Previously, the Foreign Office  
16 had announced that this was done to avoid unnecessary  
17 f.  
developments with France.

19  
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21  
22  
23 G-26. b. Ex. 1291, T. 11695-7  
24 c. Ex. 612, T. 6731  
d. Ex. 613A, T. 6733  
e. Ex. 512, T. 6145-6  
f. Ex. 512, T. 6147.

1 G-27. The passage of alleged war materials  
2 through Indo-China to Chiang Kai-shek gave rise to pro-  
3 test from the Japanese government at various times in  
4 1938, 1939 and 1940. Notwithstanding the fact that Japan  
5 admitted that she was fully aware that since war had not  
6 been declared by either Japan or China, France was not  
7 legally obligated to suspend the traffic of commodities  
8 consigned to China, and notwithstanding the fact that  
9 France had assured Japan that she had prohibited the  
10 transportation of weapons and ammunition to China, al-  
11 though not obligated to do so, and there was no evidence  
12 that such materials were being transported, Japan insisted  
13 that all shipments to China be stopped. France failed to  
14 comply with Japan's demands.<sup>a</sup> Since the Foreign Ministry  
15 at the end of 1938 had stated that it considered there  
16 was no objection in international law to the bombing of  
17 the Yunnan Railway if the army and navy required it from  
18 an operational standpoint,<sup>b</sup> Japan decided to take  
19 determined steps from a political standpoint irrespective  
20 of legal argument of the existence of a legal obligation.<sup>c</sup>  
21 Beginning in the latter part of 1939 and continuing  
22 through early 1940, the Japanese frequently bombed the  
23 Yunnan Railway.<sup>d</sup> Even after France had promised in  
24 (G-27. a. Ex. 616-A, T. 6802-6815; Ex. 618-A, T. 6844-8.  
25 b. Ex. 616-A, T. 6803-4.  
c. Ex. 618-A, T. 6847.  
d. Ex. 618-A, T. 6847-8.)

March, 1940, to suspend shipments of gasoline and trucks  
1 for a month while negotiating with Japan, Japan concluded  
2 that negotiations were impossible and began bombing the  
3 railroad again in April.  
e.

4 G-28. At about the same time Japanese plans in  
5 the South Seas were also being manifested with respect  
6 to the Netherlands East Indies and New Guinea. In the  
7 East Indies Japan had built and was building an exten-  
8 sive system of organizations for espionage and general  
9 a. underground activity. An agent in British Penang  
10 working under the Overseas Intelligence Bureau reported  
11 to his supervisor HAYASHI, President of the South Seas  
12 Association in Batavia, that the activities of the Bureau  
13 had been redoubled toward realizing the great plan for  
14 the domination of East Asia, and that in accordance with  
15 his instructions to intensify his activities he had con-  
16 tacted his comrades in Siam. He expected that the work  
17 would increase in seriousness now that HAYASHI, his  
18 correspondent, an experienced diplomat and head of  
19 intelligence, had arrived. In accordance with orders  
20 they had decided to use large amounts of money in the  
21 near future to corrupt the soldiers and the people to  
22 organize a Fifth Column to be ready when the fighting  
23 24

(G-27. e. Ex. 618-A, T. 6849.  
25 (G-28. a. Ex. 1325, T. 11885-91; Ex. 1326-A, T. 11895-9;  
Ex. 1326-B, T. 11900-3; Ex. 1326-C, T. 11905-6;  
Ex. 1326-D, T. 11906-10; Ex. 1326-F, T. 11911-5

b. began. In May, 1939, the Branch Manager of the Southwest Development Company reported the progress of Japanese enterprises in the Netherlands East Indies. He stated that Japanese requirements could not be satisfied by the mandated territories only, and that the next important problem had to be met by the expansion of Japan in Great New Guinea for which the time was rapidly and silently approaching when the company should be taking an active part. On January 12, 1940, Japan abrogated the Treaty of Judicial Settlement, Arbitration and Ciliation between herself and the Netherlands. Under this treaty the parties were bound not to seek settlement of any dispute of any character by other than peaceful means and a permanent arbitration committee had been set up to decide any dispute which the parties had not succeeded in solving by normal diplomatic means. Following its denunciation by Japan the treaty became void in d. August, 1940.

G-29. The statements of the conspirators during this period make it clear that these events in the South Seas from 1938 to early 1940 were not isolated incidents resulting from the conflict with China, but that they had broader implications and were planned steps in Japan's

(G-28. b. Ex. 1376-A, T. 11911-5.  
c. Ex. 1326-D, T. 11906-10.  
d. Ex. 52, T. 11764-7; Ex. 1307-A, T. 11768-9.)

larger program of expansion. In September, 1939, OSHIMA  
1 advised in favor of military aggression in the southern  
2 areas of Greater East Asia and against Hongkong for which  
3 the Japanese Navy was prepared, and proposed Japan tear  
4 the Netherlands from England so as to be able to exploit  
5 the raw materials of the East Indies.<sup>a.</sup> At about the  
6 same time General TERAUCHI admitted to German represent-  
7 atives that it was in Japan's best interest to bring to  
8 a peaceful settlement the war with China and to utilize  
9 the strength of the Japanese army and fleet in the South  
10 Seas, where economically greater benefits were to be  
11 b.  
12 gained.

G-30. With the intensification of war in  
13 Europe in May and June, 1940, the conspirators took full  
14 advantage of the situation presented to push their plans  
15 for the areas south of China. In February, 1940, Japan  
16 had presented to the Netherlands a list of economic  
17 demands which would have secured for Japan a preferential  
18 position in the general economic life of the Netherlands  
19 and the <sup>a.</sup> Fast Indies. Even before the war in Europe had spread  
20 to the Netherlands, on April 15, 1940, Foreign Minister  
21 ARITA had publicly announced that Japan was intimately  
22 bound economically to the South Seas regions, especially  
23 (G-29. a. Ex. 509, T. 6136-7.  
24 b. Ex. 510, T. 6138.  
25 G-30. a. Ex. 1309-A, T. 11780.)

the Netherlands Indies, and if the European war spread  
1 to the Netherlands and there were repercussions in the  
2 East Indies, they would interfere with the maintenance  
3 b.  
and furtherance of co-prosperity and co-existence. On  
4 May 10, 1940, Germany invaded Belgium, Luxembourg and the  
5 Netherlands. On May 11, 1940, the Japanese Foreign  
6 Office issued a statement that the status quo of the  
7 Netherlands East Indies should not be changed, and ex-  
8 pressed to the belligerent countries, as well as to the  
9 United States, Japan's concern about the position of the  
10 c.  
Netherlands Indies. In reply England, France and the  
11 United States gave their assurances to continue to  
12 d.  
respect the status quo in the Netherlands Indies.  
13 Despite Japan's unequivocal pledge to respect this  
14 status quo, persistent rumors and press releases emanated  
15 from Tokyo to the effect that no such commitment had been  
16 given. When this was called to the attention of the Japa-  
17 nese Ambassador in Washington by Secretary Hull on May  
18 16, 1940, the former assured Hull that Japan was satis-  
19 fied with the situation and she had no intention to raise  
20 any further controversy about the matter unless the  
21 British or French should land troops to protect the  
22 e.  
Netherlands Indies. However, at the same time as these  
23 (G-30. b. Ex. 1284, T. 11672-3.  
24 c. Ex. 1285, T. 11675.  
d. Ex. 1286, T. 11676-8; Ex. 1287, T. 11679-80.  
e. Ex. 1288, T. 11681-5.)

assurances were being made in Washington, the Japanese  
1 Ambassadors in Berlin were seeking a German declaration on  
2 the subject, and on May 22, 1940, Japan was advised by  
3 Germany that she was disinterested in the Netherlands  
4 East Indies, a declaration which was deemed to have given  
5 to Japan a carte blanche and a pledge of support in the  
6 f.  
future.

G-31. Having thus assured themselves that the  
belligerents and the United States would not interfere  
with the Netherlands Indies and would therefore be in no  
position to oppose Japan's moves in that direction, the  
conspirators then turned their immediate attention to  
French Indo-China. On June 17, 1940, France asked  
armistice terms of Germany. On June 18, 1940, a decision  
was reached at a Four Ministers Conference that a request  
be submitted to Indo-China regarding discontinuance of  
assistance to Chiang Kai-shek, and in the event of  
refusal by the French, that force be used. On the  
following day Japan asked Germany for a declaration by  
which Japan would receive a free hand in Indo-China.  
On that same day, June 19, 1940, strong representations  
were made to the French Ambassador with regard to the  
prohibition of transportation through Indo-China of  
(c 20. f. Ex. 517, T. 6157-8; Ex. 518, T. 6159;  
Ex. 519, T. 6161.  
G-31. a. Ex. 619, T. 6824.  
b. Ex. 520, T. 6162.)

1 materials in aid of the Chunking regime, and the consent  
2 of the French government to the dispatch of Japanese  
3 inspectors was demanded for the purpose of making inves-  
4 tigations of actual conditions on the spot.  
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(G-31. c. Ex. 615-A, T. 6796-7.)

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1 G-32. The fact that Japan was vitally  
2 interested in and had plans in connection with both  
3 the Netherlands East Indies and French Indo-China was  
4 made clear to Germany on June 21, 1940. In a conver-  
5 sation between MUTO and the German military attache,  
6 MUTO officially on behalf of the army advised that  
7 the army would welcome German mediation in the China  
8 conflict and in that connection Japan was very  
9 a.  
much interested in Indo-China. On the same day  
10 KOISO, then minister of Overseas Affairs, inquired of  
11 the German Ambassador as to Germany's attitude toward  
12 military activity of Japan in Indo-China and in part  
13 of the Netherlands Indies. When the Ambassador re-  
14 plied that Germany had already expressed her dis-  
15 interest in the Netherlands Indies and would probably  
16 raise no objections to Japanese action in Indo-China,  
17 provided Japan would obligate herself to tie America  
18 down in the Pacific, perhaps by a promise to attack  
19 Hawaii and the Philippines in the event of war between  
20 Japan and the United States, KOISO stated that the  
21 realization of Japan's colonial wishes in Indo-China  
22 and the Netherlands Indies would make Japan economic-  
23 ally independent of America and would offer to the  
24 expected KONOYE Government a promising starting point  
25  
G-32. a. Ex. 523, T. 6175

b.  
1 to settle the China Incident. The latter inquiry  
2 and statement by KOISO<sup>c.</sup> particularly with reference  
3 to the Netherlands Indies, demonstrates clearly that  
4 Japan's actual policy was directly in conflict with  
5 the Foreign Minister's statement to Grew on June 10,  
6 1940, that Japan entertained no territorial ambitions  
7 with regard to the Netherlands East Indies.<sup>c.</sup> Any  
8 uncertainty as to Japan's immediate plans was dissi-  
9 pated when on July 1, 1940, Japan refused to enter  
10 into a treaty with the United States designed to main-  
11 tain the status quo in the Pacific and prevent force-  
12 ful changes.<sup>d.</sup> KIDO recorded that ARITA stated it  
13 was inadvisable at this time to have Japan's activi-  
14 ties, including those in the Netherlands Indies, re-  
15 stricted.<sup>e.</sup>

G-33. With the advent of the second KONOYE  
16 Cabinet not only was there an orientation of Japan's  
17 Axis policy in the direction of closer collaboration  
18 with Germany, as has already been seen, but also there  
19 was exhibited a marked determination to go forward  
20 with the policy of southern expansion. In the import-  
21 ant cabinet decision of July 26, 1940, the basic aim  
22 of Japan's national policy was defined as the firm

G-32. b. Ex. 523, T. 6175-6 c. Ex. 1014, T. 9669  
25 d. Ex. 1092, T. 11,702; Ex. 1293, T. 11,706-7;  
Ex. 1296, T. 11,712.  
e. Ex. 1294, T. 11708-9; Ex. 1295, T. 11710-11

establishment of world peace in accordance with Hakke-  
1 Ichiu, and in the construction, as the first step, of  
2 a new order in Greater East Asia with Japan, Manchukuo  
3 and China as the foundation. Establishment of a  
4 Japanese economic self-sufficiency policy making the  
5 three countries a single unit and embracing the whole  
6 of Greater East Asia was advocated. A complete pro-  
7 gram for the establishment of a completely militarized  
8 totalitarian state was formulated.<sup>a</sup> At the Liaison  
9 Conference of July 27, 1940, in addition to the  
10 adoption of policies toward Germany, Italy, the  
11 Soviet Union and the United States, it was decided to  
12 settle the southern problem within limits so as not  
13 to cause a war against a third power and to strengthen  
14 the diplomatic policy toward the Netherlands Indies in  
15 order to obtain imported materials.<sup>b</sup> Couching the  
16 plan in idealistic phraseology, MATSUOKA stated on  
17 August 1, 1940, that the immediate aim of Japan's  
18 foreign policy at that time was to establish a great  
19 East Asian chain of common prosperity with the Japan-  
20 Manchukuo-China group as one of the links.<sup>c</sup> That  
21 this policy involved ultimately the use of military  
22 operations in execution of the plan for the South Seas  
23

24 G-33, a. Ex. 541, T. 6271

25 b. Ex. 1310, T. 11,794-5

c. Ex. 1297, T. 11,716

is apparent from the statement on August 10, 1940, of  
1 Prince FUSHIMI, Chief of the Navy General Staff, to  
2 the Emperor that the navy at present wished to avoid  
3 the use of force against the Netherlands Indies and  
4 Singapore and that, since at least eight months were  
5 needed for preparation after a decision for war was  
6 made, the later war came the better. This was a  
7 plain indication that Japan would resort to war to  
8 attain her aims when her preparation for war were  
9 completed.

10 G-34. The new national policy was immediate-  
11 ly reflected in the determination of the economic  
12 demands to be made by Japan on the Netherlands Indies.  
13 On July 16, 1940, Japan had notified the Netherlands  
14 that it was sending to the Netherlands Indies a  
15 delegation comprising diplomatic, military and naval  
16 experts for economic negotiations. KOISO had been  
17 designated as chief delegate, but when he proved to be  
18 unacceptable to Holland, he was replaced by KOBAYASHI,  
19 Minister of Commerce and Industry. By August, 15,  
20 a. 1940, alternative demands had been drafted for use  
21 by the delegation, the first being more moderate than  
22 the second, apparently to enable the delegation to act  
23  
24

25 G-33. d. Ex. 1298, T. 11718 G-34. a. Ex. 1309A, T. 11796-7

in accordance with the changing situation. The first  
1 proposal asked that the Netherlands as a member of the  
2 Co-Prosperity Sphere give preferential treatment to  
3 Japan, have an open door policy toward Japan, allow  
4 Japan to exploit and develop certain natural resources  
5 and industries, change its policies on Japanese and  
6 Chinese newspapers, and exercise supervision over all  
7 newspapers. The second proposal demanded that since  
8 the Netherlands Indies with its rich resources was  
9 within the Co-Prosperity Sphere, the Netherlands Indies  
10 should cooperate and should cut off relations with  
11 Europe and take a position as a member of the sphere,  
12 allow self-government by Indonesians and conclude a  
13 joint defense agreement with Japan to maintain peace  
14 in the sphere. Specifically it demanded that the  
15 Japanese be given the same rights in all things as en-  
16 joyed by the citizens of the Netherlands Indies and  
17 that all restrictions on the export of goods, espec-  
18 b.  
19 ially those needed by Japan, be abolished. The  
20 alterna.ive demands were reported on August 27 to  
21 c.  
KOBAYASHI.

G-35. The new policy was likewise immediately reflected in the demands made on France and French

G-34.

b. Ex. 1311, T. 11798-11812  
c. T. 25290-1

Indo-China. On August 1, 1940, MATSUOKA presented to  
1 the French Ambassador Japan's proposal that Indo-  
2 China cooperate with Japan in political, military and  
3 economic affairs for the establishment of Japan's new  
4 order in East Asia and to foster settlement of the  
5 Chin Incident. The political and military coopera-  
6 tion requested was the right of passage of Japanese  
7 troops through Indo-China, the utilization by the  
8 Japanese army of air bases and the supply of all  
9 necessary facilities for the transportation of arms,  
10 ammunition and other materials for Japanese troops in  
11 Indo-China. The acceptance of these demands was  
12 characterized by the French Ambassador as being the  
13 equivalent of a declaration of war by Indo-China  
14 against China.<sup>a.</sup> In the negotiations that followed  
15 Japan made full use of the power and influence of  
16 Germany. On August 2, 1940, MATSUOKA asked Germany  
17 not to interfere with Japan's desires in Indo-China  
18 and to exert her influence on France. On August  
19 15, 1940, MATSUOKA threatened France with military  
20 action if the decision to grant Japan's demands con-  
21 tinued to be delayed,<sup>c.</sup> and requested Germany to sup-  
22 port her demands against Indo-China by influencing  
23  
24 G-35. a. Ex. 620, T. 6886-7  
25 b. Ex. 622, T. 6955-7  
c. Ex. 620, T. 6911-2

d.  
France. Finally, on August 30, 1940, MATSUOKA and  
1 the French Ambassador concluded the MATSUOKA-Henry  
2 Agreement by which Japan's demands were substantially  
3 granted. The agreement specified for Tonking Province  
4 the number of airfields and the approximate number of  
5 Japanese troops to be stationed there and for their  
6 course of passage through the province, but various  
7 details were left to negotiations on the spot between  
8 the Governor-General of Indo-China and General  
9 NISHIHARA.  
10 e.  
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G-35.  
25. d. Ex. 547, T. 6296  
e. Ex. 620, T. 6919-24

G-36. On August 31, 1940, NISHIHARA began  
1 negotiations on the spot with the Governor-General of  
2 Indo-China, as contemplated by the agreement. Failing  
3 to reach an agreement due to delay in receipt of the  
4 French instructions, NISHIHARA on September 3, 1940,  
5 gave notification that Japan's residents would be  
6 withdrawn from the area and delivered an ultimatum  
7 that the Japanese army would advance into Indo-China  
8 after September 5, if prompt acceptance of Japan's  
9 demands was not had. On September 4, an agreement  
10 was signed but all details were not settled.<sup>a</sup>. On  
11 September 6, 1940, before the details were completed,  
12 a unit of the Japanese army advanced into Indo-China.  
13 NISHIHARA contended that this arbitrary decision was  
14 taken by a front-line unit which did not know of the  
15 conclusion of the military agreement. Negotiations  
16 were temporarily suspended on the ground that the inci-  
17 dent was in contravention of the pact.<sup>b</sup>. On September  
18 16, 1940, the Vice-Minister of Foreign Affairs  
19 advised the French Ambassador that the Japanese army  
20 would move into Indo-China at any moment without waiting  
21 for an agreement. An agreement was then reached on  
22 some matters, but a wide difference of opinion con-  
23 tinued to exist. On September 19, 1940, the French

G-36.

a. Ex. 620, T. 6925-9. b. Ex. 620, T. 6929.

Ambassador was informed that Japanese forces would move into Tongking Province at any time after zero hour September 23, 1940, whether the agreement on details was concluded or not.<sup>c.</sup> Neither the explosive character of this ultimatum nor Japan's previous pledge escaped the attention of third powers. On September 20, 1940, the United States by communications both in Washington and in Tokyo, made it clear to Japan that the threat of action was completely contrary to the official Japanese utterances that Japan was in favor of maintaining the status quo in the Far East, and that the United States would regard the movement of Japanese troops into Indo-China as an infringement of the status quo which Japan was pledged to preserve.<sup>d.</sup> Realizing the isolation of France,<sup>e.</sup> Japan decided to seize this opportunity. Japanese troops crossed the French Indo-China border on September 22, 1940, even though the negotiations continued.<sup>f.</sup> On the following day, France submitted to Japanese coercion and a final agreement was signed.<sup>g.</sup>

At this time a few lines will be inserted.

At the same time the invading forces, using

G-36.

c. Ex. 620, T. 6929-33. f. Ex. 620, T. 6933;  
d. Ex. 623, T. 6958-62. Ex. 621, T. 6830;  
e. Ex. 625, T. 6969-70; Ex. 3865, T. 38581-5;  
Ex. 618A, T. 6868-9. Ex. 3851, T. 38581-2.

g. Ex. 620, T. 6933.

1 artillery, tanks and bombs, were fighting the French  
2 forces. On the 25th of September all the French  
3 positions being taken or encircled the battle ended.  
4 However, on September 26 the city of Haiphong was  
5 bombed by the Japanese army: civilian population  
6 killed or injured.

7 Having forced from the French the right to  
8 station 32,000 troops in Indo-China,<sup>h.</sup> Japan had now  
9 obtained its first continental foothold in Southeast  
10 Asia and an excellent base for further expansion  
11 both on the continent and in the South Seas.

12 G-37. Although the conspirators tried to  
13 hide their real reason for moving into Indo-China,  
14 they completely failed. When on September 20, 1940,  
15 Grew had protested Japan's ultimatum to the Governor-  
16 General, MATSUOKA had stated that the purpose of the  
17 move was to attack Chiang Kai-Shek and bring peace to  
18 China and that when hostilities ceased, the troops  
19 would be withdrawn.<sup>a.</sup> However, on the same day, the  
20 Japanese Ambassador in Washington told Sumner Welles  
21 that the occupation was in all likelihood being under-  
22 taken not only to expedite the conclusion of the China  
23 Affair as a temporary measure with no thought of

24  
25 G-36. h. Ex. 625, T. 6969-70. G-37. a. Ex. 624, T. 6966.

1 permanent occupation, but also to prevent Germany  
2 from occupying French, British and Dutch possessions  
3 in the Far East.<sup>b.</sup> While the Ambassador's second  
4 reason for the occupation was so obviously ridiculous  
5 that Welles stated diplomatically that he doubted the  
6 sincerity of that argument,<sup>c.</sup> the Ambassador's state-  
7 ment had made it obvious that Japan had a reason  
8 other than concluding the China Incident for the move  
9 into Indo-China, a reason which it was not too hard to  
10 guess.

11 G-38. Before the movement of troops had  
12 begun on September 23, the conspirators had already  
13 formally defined their real purpose. The decisions  
14 of the cabinet of September 4 and of the Liaison  
15 Conference of September 19 had already been made.  
16 Those decisions had determined that the sphere of  
17 Japan's new order was to include the Mandated Islands,  
18 French Indo-China, the Pacific Islands, Thailand,  
19 British Malaya, British Borneo, the Netherlands East  
20 Indies, Burma, Australia, New Zealand, India and other  
21 countries, but for the present only the region from  
22 Burma eastward and New Caledonia northward, containing  
23 the Netherlands Indies, would be included.<sup>a.</sup>  
24

25 G-37. G-38.  
b. Ex. 623, T. 6960-1. a. Ex. 541, T. 6314-5.  
c. Ex. 623, T. 6961.

1       Immediately after the troop movement, on September 28,  
2       1940, it was decided as Japan's foreign policy that  
3       all the areas in the limited sphere plus the Philip-  
4       pines with Japan, Manchukuo and China as the center  
5       would comprise a sphere in which politics, economy  
6       and culture were combined. Japan would try to con-  
7       clude with Indo-China and the Netherlands Indies a  
8       comprehensive economic agreement while planning  
9       political coalitions. With Thailand, Japan would  
10      strengthen mutual assistance and coalition in politi-  
11      cal, economic and military affairs.<sup>b.</sup>

12      G-39. By October 4, 1940, the plan with  
13      respect to the southern regions had been worked out  
14      in some detail which clearly set forth Japan's entire  
15      aggressive program. The object of Japan's penetration  
16      into the southern regions would cover in the first  
17      stage the whole area west of Hawaii, excluding for  
18      the time being the Philippines and Guam. They must  
19      first control Indo-China, the Netherlands Indies,  
20      Burma and the Straits Settlements and then gradually  
21      advance into other areas, the advance into Guam and  
22      the Philippines depending upon the attitude of the  
23      United States. The document then goes into detail

25

G-38.

b. Ex. 628, T. 6976.

as to the steps to be taken in regard to each country,  
the strategy to be followed in the military conquest,  
and the future disposition of the territory which  
Japan would thus acquire. The provisions with respect  
to Indo-China are illustrative of the character and  
scope of Japan's plans for all the areas. In Indo-  
China, Japan would maneuver an independence movement  
and make France renounce sovereignty. Some of the  
area would be independent, but certain of Indo-Chinese  
areas would be handled by and be subject to China if  
the latter made peace, and another portion would be  
handled by and be subject to Thailand. If China did  
not make peace, Japan would manage the matter after  
the China battle line was established or when Germany  
landed on the British mainland. With these various  
areas Japan would have a protective treaty under the  
title of a military and economic alliance giving  
Japan the real power and strategic points in each  
area. The right of enterprise of third-power nationals  
would be respected, provided they followed Japan's  
instructions in developing resources and disposing  
of products.<sup>a</sup> Defense witness SATO attempted to  
attack the validity of this document, but on cross-

G-32.

a. Ex. 628, T. 6977-8.

examination admitted that he considered the certification of the document as a Foreign Office instrument by his superior as accurate.<sup>b</sup> While thus admitting that it was a genuine Foreign Office document, he attempted to leave the impression that the policy outlined was not adopted by responsible officials. It is submitted that where there is a plan, which is admittedly a government document found in a government office, and it has been shown that subsequent events followed the course prescribed in the plan, there is an almost conclusive inference that the plan was adopted and that the actions taken were carried out pursuant thereto. Events clearly show that the conspirators immediately began to put the policy determined into effect with respect to the Netherlands Indies and French Indo-China.

G-40. In the middle of September 1940, the KOBAYASHI delegation arrived in Batavia. Almost from the beginning KOBAYASHI realized that Japan's demands would not be met and other measures would be necessary. On September 13, 1940, he reported that it was not much use to negotiate with the Governor-General, since the latter was concerned with diplomatic formulas and

G-39.

b. T. 26,901-2.

1 did not realize that the situation was so serious that  
2 the existence of the Netherlands Indies would be in  
3 danger if he continued such activity.<sup>a</sup>. On October  
4 18, 1940, he informed MATSUOKA that it was urgent  
5 to bring the Netherlands Indies within the sphere in  
6 order to establish the Co-Prosperity Sphere, and to  
7 that end Japan must completely equip overseas organ-  
8 izations and establish facilities to enlighten both  
9 the people of Japan and the Indies.<sup>b</sup>. The first task  
10 of the mission was to purchase three million odd tons  
11 of oil and to acquire large areas for oil concessions.<sup>c</sup>.  
12 The purpose of this first step was not only to acquire  
13 oil, a vitally necessary war material, but also to  
14 acquire areas where Japanese planes and disguised  
15 troops could enter in large numbers, thus making the  
16 area a strategic base for military operations against  
17 the Dutch.<sup>d</sup>. Attempts were also made to buy other  
18 materials with the primary purpose of supplying  
19 Germany.<sup>e</sup>. When the Netherlands asked for assurance  
20 that these goods not be delivered to her enemy Germany,  
21 Japan denied the intention to use them for that

23 G-40.

24 a. Ex. 1312, T. 11814.  
25 b. Ex. 1313, T. 11817-8.  
c. Ex. 1314, T. 11821-2; Ex. 1315, T. 11823-5;  
Ex. 1316, T. 11835-7.  
d. Ex. 1316, T. 11836.  
e. Ex. 597, T. 6628-9.

purpose, but refused to give the guarantee.<sup>f.</sup> The delegations met from October 14 to 16, 1940, but the negotiations became stalled shortly thereafter when KOBAYASHI left for Japan after certain proposals were accepted.<sup>g.</sup>

G-41. The return of KOBAYASHI to Japan and to his work as a Cabinet Minister coincided with the adoption of a stronger policy towards the Netherlands Indies by the cabinet. On October 25, 1940, the cabinet decided upon a program by which Japan would take over virtual control of the whole economic and political life of the Netherlands Indies. It decided that the first measures taken would be: liquidating the economic relations of the Indies with Europe and America; seeking of preferential treatment for Japan; placing under Japanese control the production and export of essential war materials; placing exchange control under Japan's guidance; liquidating foreign financial holdings; and placing the formulation and execution of all economic policies under the control of a joint Japanese-Netherlands Economic Commission.<sup>a.</sup> The acceptance of these demands would have resulted in the full establishment of Japanese control over the

G-40.

25 f. Ex. 1321, T. 11869-70.  
g. Ex. 1309A, T. 11826-29.

G-41.

a. Ex. 1317,  
T. 11838-42.

## Netherlands Indies.

1           G-42. In the meantime, the negotiations in  
2 Batavia were still deadlocked and the Netherlands  
3 recommended their discontinuance. However, on  
4 November 20, 1940, YOSHIZAWA was appointed special  
5 envoy to reactivate the proceedings.<sup>a</sup> On January 16,  
6 1941, YOSHIZAWA presented to the Netherlands East  
7 Indies a list of Japan's demands which were in sub-  
8 stance the points decided by the cabinet in October.<sup>b</sup>  
9 It soon became apparent that the demands would not be  
10 accepted. On February 3, 1941, the Netherlands East  
11 Indies replied politely and firmly rejecting the  
12 demands.<sup>c</sup> Whatever latent chance of success the  
13 negotiations might have had was lost when, a few days  
14 after the presentation of the demands, MATSUOKA  
15 publicly stated that the Netherlands Indies was part  
16 of Japan's co-prosperity sphere and inseparably  
17 related to Japan.<sup>d</sup> Following the receipt of the  
18 Netherlands' reply, the negotiations continued, but it  
19 became clearer and clearer that it would not be pos-  
20 sible to bring the area under Japan's domination  
21 without recourse to military action. This was made  
22  
23           G-42.

24           a. Ex. 1309A, T. 11844-5.

25           b. Ex. 1309A, T. 11345-51.

             c. Ex. 1309A, T. 11852-6.

             d. Ex. 1300, T. 11740-1.

plain in a series of telegrams from YOSHIZAWA to  
1 MATSUOKA.<sup>e</sup> The negotiations continued, however,  
2 until June. On June 6, 1941, the Netherlands  
3 delegation presented a memorandum stating that Japan's  
4 views were materially in violation of the economic  
5 policy of the Netherlands Indies, and the latter  
6 could not accept the assumed interdependence of  
7 itself and Japan and give Japan a special position  
8 over all other nations.<sup>f</sup> Upon receipt of this reply,  
9 Japan determined that it was meaningless for her to  
10 continue the negotiations and decided to terminate  
11 the conference.<sup>g</sup> On June 17, 1941, the conference  
12 was discontinued, and Japan determined to take other  
13 means to obtain her aggressive ends.<sup>h</sup>

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G-42.

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e. Ex. 1318, T. 11856-7; Ex. 1319, T. 11859-60;

Ex. 1045, T. 11863.

f. Ex. 1309A, T. 11872.

g. Ex. 1322, T. 11875-8; Ex. 1323, T. 11879.

h. Ex. 1309A, T. 11,882.

G-43. In the meantime, Japan had already  
1 begun to further prepare herself for military action  
2 in the southern region. Her first move was to attempt  
3 to separate Thailand from Britain and bring Thailand  
4 within the Japanese sphere. When Japan first entered  
5 Indo-China, she was presented with a ready-made  
6 opportunity for attaining this end. On June 12, 1940,  
7 France and Thailand had concluded a non-aggression  
8 pact and had agreed to appoint commissioners to dis-  
9 cuss revision of the border of the Mekong River.  
10 Upon France's surrender to Germany, Thailand had  
11 stiffened its attitude and demanded as a condition  
12 of ratification of the treaty the revision of the  
13 border in accordance with Thailand's demands. On  
14 October 11, 1940, France had refused these demands  
15 for the second time, and Thailand concentrated troops  
16 along the frontiers. While at first Japan was op-  
17 posed to the demands, it was decided to assist Thai-  
18 land in order to get an economic agreement from her  
19 and to separate her from Britain. At the Four  
20 Ministers Conference of November 5, 1940, it was de-  
21 termined to aid Thailand to recover her lost terri-  
22 tory and to make her cooperate politically and  
23  
24 G-43.

25 a. Ex. 618A, T. 6868  
b. Ex. 618A, T. 6868-70

1 economically in establishing the new order. This was  
2 reaffirmed by the decision of November 21. On Nov-  
3 ember 28, MATSUOKA unofficially informed France that  
4 he intended a peaceful arbitration between France and  
5 Thailand. France, however, declined.<sup>c.</sup> Thereupon,  
6 Japan once again called upon her German ally for  
7 assistance in forcing Vichy to accede to Japan's  
8 demands. In February 1941, such a request was made.<sup>d.</sup>  
9 In view of the fact that Japan intended to obligate  
10 French Indo-China and Thailand not to make a politi-  
11 cal and military agreement with a third power, which  
12 want a lessening of British and American influence,<sup>e.</sup>  
13 and in view of the fact that it would give Japan an  
14 opportunity to establish herself militarily in Saigon  
15 to go against Singapore, as Germany desired,<sup>f.</sup> Germany  
16 willingly cooperated.<sup>g.</sup> Succumbing to the combined  
17 pressure of Japan and Germany, Vichy, on March 11,  
18 1941, accepted Japan's plan of mediation and assured  
19 her that it did not intend to enter into an agreement  
20 with a third party providing for political, economic  
21 or military cooperation in Indo-China directly or in-  
22 directly against Japan.<sup>h.</sup> On May 9, 1941, the peace

24 G-43. c. Ex. 618A, T. 6871-4; Ex. 564, T. 6446

25 d. Ex. 565, T. 6447; Ex. 566, T. 6447

e. Ex. 565, T. 6446; Ex. 631, T. 6990

f. Ex. 562, T. 6984

g. Ex. 566, T. 6447; Ex. 631, T. 6989-90

h. Ex. 633, T. 6996-9

1. i.  
agreement was signed between Thailand and France.

1           G-44. The French acceptance of Japan's de-  
2       mands had strengthened considerably Japan's position  
3       for effectuating her aggressive program. On the one  
4       hand, it had effectively prevented France from seek-  
5       ing third party aid against Japan. On the other hand,  
6       it had strengthened Japan's position. Both results  
7       were necessary to Japan's program. In the basic  
8       decision of October 4, 1940, it had been determined  
9       that in order to accomplish Japan's purposes a mili-  
10      tary alliance must be concluded with Thailand which  
11      was to be used as a rear base.<sup>a</sup> Strategically, to  
12      reach Singapore Japan had to use the land bridge of  
13      the Malacca peninsula, and to reach this she had to  
14      pass through both Indo-China and Thailand. That  
15      these military motives were the real incentives for  
16      the movement was made clear in the decision of the  
17      Liaison Conference of January 30, 1941. That confer-  
18      ence had decided that the purpose of the plan was to  
19      establish Japan's leading position in Indo-China and  
20      Thailand by utilizing the arbitration matter to con-  
21      tribute to the preparations for the southward policy.  
22      These preparations contemplated naval use of Camranh  
23  
24

25      G-43.

i. Ex. 47, T. 7000

G-44.

a. Ex. 628, T. 6979

b. Ex. 629, T. 6981-2

1 Bay and the air bases near Saigon. The real purpose,  
2 it was decided, would be disguised under the expressions "preservation of trade and communications" and  
3 "security against war between Indo-China and Thailand."<sup>c.</sup>

4 G-45. With the failure to obtain Japan's demands  
5 against the Netherlands Indies without the use  
6 of force and with the termination of the negotiations,  
7 Japan prepared to obtain those demands by military  
8 force. On June 21, 1941, MATSUOKA notified Germany  
9 that the negotiations were terminated and that in  
10 order to proceed against the Netherlands Indies, naval  
11 and air bases must be set up in Indo-China.<sup>a.</sup> On  
12 June 25, 1941, the Liaison Conference laid down as  
13 official policy that, especially in connection with  
14 Indo-China as soon as possible which would stress the  
15 establishment or use of air bases and harbor facil-  
16 ities in specified areas in Indo-China and the station-  
17 ing of troops in the southern part. If France or Indo-  
18 China did not comply, Japan would obtain her object  
19 by arms, for which preparation would be made in ad-  
20 <sup>b.</sup> vance. This program received official approval in  
21 the Imperial Conference of July 2, 1941.<sup>c.</sup>

24 G-44. c. Ex. 1303, T. 11744-5

25 G-45. a. Ex. 635, T. 7009; Ex. 639B, T. 7034

b. Ex. 1206, T. 11753-4

c. Ex. 588, T. 6566-9

THE PRESIDENT: We will adjourn until half-  
1 past one.

2 (Whereupon, at 1200, a recess was taken.)

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## AFTERNOON SESSION

1                   The Tribunal met, pursuant to recess, at 1330.  
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3                   MARSHAL OF THE COURT: The International  
4                   Military Tribunal for the Far East is now resumed.  
5

6                   THE PRESIDENT: Mr. Oneto.

7                   MR. ONETO: I now resume reading at page G-43.

8                   G-46. Pursuant to this decision, on July 14,  
9                   1941, Japan presented its demands to Marshal Petain.

10                  The proposals demanded the possession of certain bases  
11                  by Japan and the right to send forces into south Indo-  
12                  China, and threatened that troops would advance on  
13                  July 20 if France did not accept. Once again,

14                  Japan requested that German pressure be applied on  
15                  Vichy, but this time Germany felt it inadvisable to  
16                  interfere. However, German aid was unnecessary since  
17                  Germany had already previously denied to French Indo-

18                  China the right to strengthen its defenses, and Japan's  
19                  pressure itself was sufficient with the result that  
20                  Vichy concluded it had no alternative but to give in  
21                  to violence. It did, however, ask that Japan state  
22                  the occupation was only temporary and limited to the  
23                  duration of operations for which it was destined.  
24

25                  (G-46. a. Ex. 646, T. 7055. d. Ex. 646, T. 7056;  
                      b. Ex. 640, T. 7037-9      Ex. 630, T. 6933;  
                      c. Ex. 639B, T. 7034;     Ex. 641, T. 7043-4)  
                      Ex. 642, T. 7046-6

1 On July 22, 1941, before Japan's final ultimatum ex-  
2 pired, in an exchange of notes between Ambassador KATO  
3 and Darlan, Vichy granted to Japan the right to send  
4 troops, to use eight air bases and Saigon and Camranh  
5 Bay and agreed to provide facilities for the troops,  
6 to guarantee the defense of Indo-China against any  
7 attack and to share by defensive action all offensive  
8 operations executed in accordance with local agreement.  
9 As soon as the letters had been exchanged, Japan sent  
10 her troops into the area, her plans calling for the  
11 dispatch of 40,000 troops. On July 29, 1941, Japan  
12 and Vichy entered into a protocol for the joint defense  
13 of Indo-China under special arrangements for so long  
14 as the circumstances which motivated them exist.  
15

G-47. Thus, by her duress upon Vichy and Indo-  
16 China Japan had obtained a concentration area and  
17 jumping-off ports against the Netherlands Indies, and  
18 had gained positions which would enable her to increase  
19 her pressure upon Britain and the United States.  
20

Japan's further plans and preparation for aggressive  
21 war against the French and Dutch southern areas and  
22 her aggressive action pursuant thereto are inextricably  
23 interwoven into her aggressive plans, preparations and  
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(G-46. e. Ex. 647A, T. 7059-65 (G-47. a. Ex. 639A,  
f. Ex. 648, T. 7067-8; b. Ex. 635, T. 7010)  
Ex. 652, T. 7106-8 T. 7032-3.  
g. Ex. 651, T. 7078)

actions against Britain and the United States, that  
1 they can not be considered separately, and will there-  
2 fore now be considered in connection with and in light  
3 of Japan's aggression against those countries.

4 Brigadier Nolan will now continue.

5 THE PRESIDENT: Brigadier Nolan.

6 BRIGADIER NOLAN: 3. AGGRESSION AGAINST  
7 BRITAIN AND THE UNITED STATES.

8 G-48. While Japan was applying pressure  
9 against the Netherlands Indies and making her first  
10 military moves into the South Seas, the other Western  
11 Powers were viewing the situation with alarm. When  
12 Holland was taken over by Germany in May 1940, Secretary  
13 Hull made it perfectly clear that intervention in the  
14 domestic affairs of the Netherlands East Indies or any  
15 attempt to alter the status quo except by peaceful pro-  
16 cesses would be prejudicial to stability, peace and  
17 security in the Pacific and would violate the Four  
18 Power Treaty and the Identic Notes sent to Holland with  
19 a.  
20 respect to her insular possessions in the Pacific.

21 G-49. Upon the presentation of demands on the  
22 French authorities in French Indo-China for permission  
23 to send Japanese troops for military operations against  
24 China, and to use military bases and other facilities,  
25 (G-48. a. Ex. 1013, T. 9667-8)

Grew was instructed on September 3, 1940, to point  
1 out the unfortunate effect such an ultimatum would  
2 have on Japanese-American relations. On September 19,  
3 1940, in accordance with instructions, Grew pointed  
4 out to LATSUOKA that the status quo of a country was  
5 seriously affected when one of two warring countries,  
6 in order to attack the other, demanded the rights of  
7 airdrome use and troop passage from a third nation.  
8 The stipulations then being made by Japan on French  
9 Indo-China were inconsistent with Japan's duty of  
10 b. maintaining the status quo in the Pacific.

12 G-50. When, notwithstanding the timely  
13 warnings against her course of aggression against  
14 China and other areas in East Asia and the South Seas,  
15 Japan not only continued but intensified her aggressive  
16 activities, the United States took certain precautionary  
17 measures. On January 26, 1940, she permitted the Com-  
18 mercial Treaty of 1911 between the United States and  
19 Japan to lapse after notification of abrogation by  
20 the United States on July 26, 1939, because it did not  
21 afford sufficient adequate protection to United States  
22 commerce in Japan or in occupied portions of China and  
23 acted as a bar to the adoption of retaliatory measures  
24 (G-49. a. Ex. 1025, T. 9719-20  
25 b. Ex. 1026, T. 9721-2)

a.  
against Japanese commerce. In addition, the United States had also imposed embargoes on the export of aviation gas, refining machinery and certain metals, all vital materials needed for war.

G-51. By the beginning of 1941 the situation had reached a point where the conspirators decided to finally accomplish their purpose of dominating the Asiatic Pacific World and to remove the obstacles to that project presented by Great Britain and the United States. To accomplish this, they adopted a two-fold policy: on the one hand, they would negotiate with Britain and the United States on certain specific outstanding problems in accordance with certain proposals, which, if accepted, would leave Japan the master of the Asiatic-Pacific world with Britain and the United States relegated to whatever position Japan might allow; and on the other hand, they would actively prepare for war with those countries with the same objective and results. The two policies were carried forward side by side simultaneously and cannot be separated satisfactorily for purposes of analysis. Both programs had the same objective, and while some of the conspirators felt that they could attain the objectives of the conspiracy through

25 (G-50. a. Ex. 994, T. 9602  
b. T. 10736;  
Ex. 1007, T. 9635.)

negotiations, others viewed the negotiations as im-  
1 possible from the beginning and regarded them as useful  
2 camouflage for the active war preparations going on  
3 which would lull the United States and Britain into  
4 a false feeling of security. As to the latter group  
5 of conspirators, the negotiations were an integral part  
6 of the preparation for war. Regardless of the views  
7 of the particular conspirators as to the function of  
8 the negotiations, it must not be forgotten that both  
9 groups aimed at the common objective of the conspiracy -  
10 the domination of the Asiatic-Pacific World - which  
11 had been and was then being carried out through aggres-  
12 sive warfare.

14 G-52. The idea of going to war with the  
15 United States and Britain to gain the purposes of the  
16 conspiracy was not a wholly novel one in the early  
17 days of 1941. Other evidence has already shown the  
18 tremendous preparations in previous years of weapons,  
19 ammunition and military supplies and the total mobil-  
20 ization of the country far in excess of the exigencies  
21 of the aggressive operations then being carried out in  
22 China. Already on June 30, 1936, during HIROTA's  
23 premiership, the Foreign, Navy, War and Finance Ministers  
24 had worked out a plan of state policy to secure a  
25

steady footing of Japan on the Asiatic continent  
1 through diplomacy and national defense in which the  
2 entire program of aggression and its methods of accom-  
3 plishment were laid down in broad outline. This pro-  
4 gram stated that Japan was to be prepared for Britain  
5 and America, and naval armaments should be strength-  
6ened until sufficient to assure command of the Western  
7 a. Pacific against the United States. At the Privy  
8 Council meeting of September 26, 1940, which considered  
9 the ratification of the Tripartite Pact, the question  
10 of a possible war with the United States and Japan's  
11 readiness therefor was considered. War Minister TOJO  
12 stated that they need not worry about the readiness  
13 of the army, since it would not play a large role in  
14 such war, although an operation against the United  
15 States was not complete without considering one against  
16 the Soviet Union. Navy Minister OIKAWA pointed out  
17 that the navy had completed its war preparations and  
18 could not be beaten by the United States, and the  
19 navy was working on a prudent policy to keep up with  
20 the American plan for repletion of its navy in case of  
21 a long war. So far as materials were concerned,  
22 HOSHINO, President of the Planning Board, observed  
23 that Japan was dependent on imports from Britain and  
24 (G-52. a. Ex. 977, T. 9542-6; Ex. 979, T. 9550-3)

the United States. Particularly, Japan was dependent  
1 on the United States for oil, and a substitute must  
2 be found. Both TOJO and OIKAWA stated that for a con-  
3 siderable length of time they had been making prepara-  
4 tions for building up stocks of oil.  
5 b.

6 G-53. Early in February 1941, Japan began  
7 conversations simultaneously with both Britain and the  
8 United States for the ostensible purpose of clarify-  
9 ing Japan's position in Far Eastern matters. The con-  
10 versations with Britain served only to delimit the  
11 problem. On February 7, 1941, SHIGEMITSU, then Ambassa-  
12 dor to London, conferred with Foreign Minister Eden and  
13 the latter clarified Britain's position on Far Eastern  
14 Affairs. Eden queried whether England did not need  
15 to fear that Japan would attack British Far Eastern  
16 territories simultaneously with a German attack on Eng-  
17 land, after pointing out the strained relations between  
18 Britain and Japan due to violation of British rights,  
19 false propaganda, the signing of the Tripartite Pact,  
20 the statements about Burma, the actions of Japan in  
21 French Indo-China and Thailand, and the report of Ambas-  
22 sador Craigie that the prevailing opinion in Japan was  
23 that the crisis in the Far East would occur within two  
24 or three weeks. He then clearly stated that England  
25 (G-52. b. Ex. 1030, T. 9756-66)

had territories in the Far East but had no aggressive  
1 intentions and that she did not intend to sacrifice  
2 her territory on orders of another nation. England  
3 could not approve the principle that Japan alone had  
4 the right to administer and control the destiny of all  
5 in the Far East. He then stressed his hope that Japan  
6 would not bring about disaster by her cooperation with  
7 the Axis and warned that Japan should not regard Britain  
8 as decadent and powerless. In reply, SHIGEMITSU  
9 stated that it was clear that Eden assumed that Anglo-  
10 Japanese relations were approaching the final stage.  
11 While the conditions might not improve, they must not  
12 be allowed to get worse. SHIGEMITSU pointed out that  
13 Eden had spoken only from Britain's point of view, and  
14 that Britain and the United States had not tried to  
15 understand Japan's viewpoint that important political  
16 and economic interests arose from her geographical  
17 position, but instead they only criticized Japan. Eden  
18 replied that he could not overlook the Craigie report  
19 and would like to have Japan's views on the matters. A  
20 report of the conversations was made to MATSUOKA.  
21 b.  
22

G-54. On February 13, MATSUOKA replied to  
23 SHIGEMITSU's report that Craigie's report was "ridicu-  
24 lous fantasy" and groundless. He stated Japan did not  
25

(G-53. a. Ex. 1039, T. 9782-7  
b. Ex. 1040, T. 9789-93)

a.  
desire to have trouble with Britain. On February 17,  
1 MATSUOKA replied to Eden's representations, stating  
2 there was no ground for entertaining such alarming  
3 views on the Far Eastern situation. As explained to  
4 Craigie, the Tripartite Pact aimed to limit the sphere  
5 of the European War. He then claimed that Japan was  
6 anxious because of British and United States movements  
7 in expediting and enlarging war preparations to meet  
8 supposed contingencies in the Pacific and South Seas,  
9 and stated that the situation would be mitigated if  
10 the United States would limit herself to the Americas  
11 and cease causing unnecessary anxiety to Japan. Japan  
12 hoped that all wars would end soon and was ready to act  
13 as mediator everywhere and to take the actions needed  
14 b.  
15 to recover normal conditions.

G-55. On February 15, MATSUOKA met with  
16 Craigie and bluntly told him that so long as Britain  
17 refrained from any provocative attitude, Japan would  
18 not start any action which would lead to anxiety by  
19 Britain and the United States. When Craigie questioned  
20 him on the possibility of checking Japan's southward  
21 march, MATSUOKA replied that he would like to check it  
22 the best he could, but preferred to indicate Japan's  
23 real intentions by acts rather than words.  
24 a.  
25 (G-54. a. Ex. 1041, T. 9794-5 (G-55. a. Ex. 1046, T. 9811-  
b. Ex. 1101, T. 10043-7) 9813)

G-56. On February 24, Churchill met SHIGEMITSU.

1 MITSU <sup>a</sup> pointed out that the defense undertaken by  
2 Britain at Singapore and those undertaken by the United  
3 States were for protection of the area and not a policy  
4 for an offensive or aggression against Japan. He also  
5 declined MATSUOKA's offer of mediation in the European  
6 war, being certain of ultimate victory. SHIGEMITSU  
7 replied that MATSUOKA had not offered to mediate but  
8 was merely emphasizing Japan's spirit for peace. He  
9 stated that Britain, who knew that real trouble in the  
10 Far East arose from problems in China, had been giving  
11 concrete assistance to China together with other coun-  
12 tries and thus had been maintaining a policy enabling  
13 China to resist Japan. On February 27, MATSUOKA  
14 replied to Churchill reiterating SHIGEMITSU's statement  
15 that he had not offered mediation and reemphasizing  
16 that the aims of the Tripartite Pact were peaceful.  
17

18 G-57. These negotiations lasting less than a  
19 month sharply delineated the major issues then existing  
20 between Britain and the United States and Japan. Hidden  
21 in diplomatic language, the questions were: (1) Would  
22 Britain and the United States accept the policy which  
23 Japan was following in her actions in China, French  
24 (G-56. a. Ex. 1048, T. 9818-20; Ex. 1049, T. 9821-5  
25 b. Ex. 1051, T. 9828-9  
c. Ex. 1053, T. 9835-7)

Indo-China and Thailand; and (2) would Japan, under cover of its alleged allegiance to the Tripartite Pact, extend its aggressive actions to British and American possessions in the Far East. The negotiations with Britain merely posited the problems and helped clarify the issues. The solutions, if any, were left to be handled by negotiations with the United States. On only one other occasion did Britain participate directly. On April 12, 1941, Churchill posed certain questions for MATSUOKA to consider before entering into war with Britain and the United States. To this on April 22, 1941, MATSUOKA replied in noncommittal language that Britain might rest assured that Japan's foreign policy was determined upon after an unbiased examination of all facts and a careful weighing of all conversations, holding steadfastly to the principle of Hakko-Ichiu under which there would be no conquest, oppression or exploitation. The idea would be carried out with resolution and circumspection, taking in every detail of changing circumstances.

G-58. The 1941 negotiations between Japan and the United States began with the appointment of a new ambassador from Japan to the United States, Admiral NOMURA. On January 22, 1941, MATSUOKA warned NOMURA  
(G-57. a. Ex. 1062, T. 9868-71  
b. Ex. 1063, T. 9872)

that Japan had made a definite resolution to stand  
against the United States if the United States entered  
the European War, which attitude would act as a check  
against the United States participating therein, and  
instructed NOMURA to make the following points clear to  
President Roosevelt and Secretary Hull: (1) Unless  
Japan were bold enough to make great changes in national  
policy, she would not be able to get United States  
understanding for maintaining peace in the Pacific;  
(2) If the present situation continued, there was no  
guarantee that the United States might not join the  
present war or might not declare war on Japan; (3) If  
there was no basis for mutual understanding between the  
two, Japan had to join with others to prevent the United  
States from declaring war on Japan or from participating  
in the European War, and Japan had had therefore to  
contract an alliance with Germany and Italy; (4) Japan  
would be faithful to this alliance, but when Japan  
decided on an important matter she would deliberate  
carefully in a Cabinet Council; (5) while Japan's con-  
duct in China was at present regarded as being illegal,  
unjust or aggressive, this was only temporary and Japan  
would finally have equal and reciprocal treaties with  
China; (6) The Great East Asia Co-Prosperity Sphere  
would be built on the principle of Hakko-Ichiu and it

1 was Japan's desire to build a world of international  
2 neighborhood and mutual assistance; (7) putting aside  
3 the ideal and dealing with daily matters, Japan found  
4 it necessary to settle the problems of self-support  
5 and self-sufficiency in Greater East Asia, which was  
6 not unjust or unreasonable; (8) by her policy, Japan  
7 did not mean the exclusion of foreigners.  
8

G-58A. MATSUOKA's instructions to NOMURA em-  
phasized that Japan intended to go forward with her  
program of building up the Greater East Asia Co-  
Prosperity Sphere and that an understanding could be  
reached only upon that basis. A contemporaneous docu-  
ment introduced by the defendant TOJO made this fact  
even clearer. On February 3, 1941, the Liaison Con-  
ference arrived at a decision which was to be used as  
instructions or reference by MATSUOKA in his negotia-  
tions with Germany, Italy and the Soviet Union during  
his European visit. The document provided that Japan  
would be the political leader in the areas of the  
Greater East Asia Co-Prosperity Sphere and would be  
responsible for the maintenance of order there. The  
peoples of the area were either to maintain indepen-  
dence or to be made independent; but the peoples of the  
areas in the possession of Britain, France, Portugal,  
25

(G-58. a. Ex. 1008, T. 9643-50)

Holland and others, incapable of being independent,  
1 were to be permitted to have as much self-government  
2 as possible in accordance with their abilities under  
3 the guidance of Japan. Japan would have preference  
4 over the defense resources in these areas, but as to  
5 other commercial enterprises she would follow the prin-  
6 ciple of the open door and equal opportunity mutually  
7 with other economic blocs. The world was to be divided  
8 into four great blocs - the Greater East Asia Bloc,  
9 the European Bloc (including Africa), the American Bloc,  
10   a.  
11 and the Soviet Bloc (including India and Iran).  
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22 (G-58A. a. Ex. 3657, T. 36213)  
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G-59. On February 7, 1941, MATSUOKA wired  
1 further instructions to NOMURA on points to be clari-  
2 fied to American authorities. He was to point out  
3 that no one in Japan may want war with the United  
4 States, and if the United States brought on a war and  
5 even defeated Japan, Japan would not remain conquered.  
6 Such a war would ruin both countries and bolshevize  
7 Asia. Japan did not understand why America was there-  
8 fore arming against Japan or why she wanted arms suf-  
9 ficient to police the world. The United States should  
10 not meddle in the "living sphere" of others.  
11

G-60. On February 14, 1941, NOMURA met for  
12 the first time with President Roosevelt and Secretary  
13 Hull. The President pointed out that relations were  
14 not good and the United States was concerned over Japan's  
15 actions. Specifying the action in French Indo-China  
16 and the Tripartite Pact as difficulties, he suggested  
17 that NOMURA and Hull review and re-examine the important  
18 phases of the relations of the two nations, to ascer-  
19 tain when and how the divergencies had developed and  
20 their effects and to see if the relations could be  
21 improved. On the same day, MATSUOKA again instructed  
22 NOMURA to make continuous efforts to make the President  
23 and other members of the United States government see  
24  
25

(G-59. a. Ix. 1009, T. 9652-7.)  
(G-60. a. Ix. 1043, T. 9798-9800.)

Japan's real intention. They must know that Japan was  
1 determined to carry out the already fixed policy at  
2 the risk of the nation's destiny. The United States  
3 could not rely on the fact that some in Japan might  
4 oppose the Tripartite Pact or that Japan had exhausted  
5 her natural resources in the China Incident. If the  
6 United States obstructed the way, Japan would unite  
7 more firmly to accomplish the national policy regard-  
8 less of sacrifice. On the other hand, Japan was grate-  
9 ful to those who were sympathetic and understood her  
10 and would make concessions even if illogical. Thus,  
11 b.  
12 at the very beginning the dichotomy between the two  
13 countries on the approach to the problems was made  
14 abundantly clear. On the one hand, the United States  
15 sought to improve the relations, while, on the other  
16 hand, Japan served notice she would follow her policy  
17 to the end.

18 G-61. Shortly following the opening of the  
19 negotiations, the conspirators took several actions  
20 which made the potential success of the negotiations  
21 more difficult, if not entirely abortive. On February  
22 25, 1941, OSHIMA, with MATSUOKA's knowledge, assured  
23 Germany that Japan was absolutely faithful to the  
24 Tripartite Pact and was moving forward toward the  
25 (G-60. b. Ex. 1050, T. 9826-7.)

realization of her national policy with that treaty  
as the keynote of her foreign relations. On March 4,  
1941 MATSUOKA requested NOMURA in answering certain  
types of questions to act in concert with him in view  
of the fact that MATSUOKA had replied in the affirmative  
to the question whether Japan would participate  
in a war in case the United States should attack  
Germany. On March 7, 1941, it was decided by the  
cabinet that the detailed regulations of the National  
Mobilization Law would be put into force on March 20.

G-62. On March 8, 1941, Hull and NOMURA met  
for an exploratory conversation. The major point  
which Hull stressed was that two or three nations had  
organized their naval and military forces and were out  
to conquer the rest of the world and expected the other  
nations to be complacent while this was going on. He  
questioned whether the United States would remain  
complacent while force was being substituted for law,  
justice, fair dealing and equality. When NOMURA  
played down the idea that Japan had military conquest  
in mind and stated that if the United States should in-  
crease its embargoes, it would force Japan to take fur-  
ther military steps, a threat not too heavily concealed,

(G-61. a. Ex. 1050, T. 9826-7.  
b. Ex. 1054, T. 9841.  
c. Ex. 1055, T. 9842.)

Hull pointed out that Japan had begun the military  
1 expansion and seizure of territory and the United  
2 States was greatly concerned as to the full extent of  
3 Japan's contemplated conquest by force. NOMURA again  
4 tried to minimize and deny that Japan was engaged in  
5 unqualified military conquest, and Hull warned him that  
6 the United States was well aware of the movements of  
7 Germany and Japan to take charge of the seas and the  
8 continents for their own personal and pecuniary profit  
9 at the expense of others. He asserted that as long  
10 as Japan's armies were in China, Thailand, and French  
11 Indo-China and threatening statements continued, there  
12 would be increasing concern. He added that the new  
13 order in East Asia was nothing but a program of military  
14 aggression and conquest with arbitrary policies of  
15 political, military and economic domination.

G-63. Hull and NOMURA again met with President Roosevelt on March 14, 1941, and the President pointed out that the American people believed that there was a concerted effort by Germany and Italy to reach Suez and by Japan to approach Singapore, the Netherlands East Indies and the Indian Ocean. NOMURA expressed more strongly than ever his belief that Japan would not go south. In the course of this conversation

(G-62.a Ex. 1056, T. 9843-7.)  
(G-63.a Jx. 1057, T. 9848.)

1 Hull emphasized that since Japan had departed from the  
2 course both countries had been pursuing, the initiative  
3 and responsibility were hers to suggest what, how, and  
4 when she was willing to undertake serious discussions,  
5 and Japan must make clear both by word and act that her  
6 intentions were serious.  
b.

7 G-64. While NOMURA and the President and  
8 Hull were exploring and stating the basic issues lying  
9 between the two countries, the stage for carrying out  
10 the program of preparation for war was being set in  
11 Japan. Frequently, during the months of January  
12 through April, meetings were being held between the  
13 high members of the government and the High Command  
14 in the Liaison Conferences. KONOYE, TOJO, MATSUOKA,  
15 HIRANMUA, MUTO and OKA constantly participated. On  
16 January 23, 1941, the fundamental principles of Japan's  
17 population policy were adopted by the cabinet after  
18 explanations by President HOSHINO of the Planning  
19 Board, TOJO and others. The plan was to increase the  
20 population quickly, enhance its quality and correct  
21 distribution of Japanese emigrants so as to secure  
22 b.  
23 leadership over East Asia. On April 3, 1941, after  
24 consultation with KIDO, TOJO and OIKAWA, KONOYE appointed  
25 (G-63. b. Ex. 2868, T. 25680.)  
(G-64. a. Ex. 1103, T. 10057-60.  
b. Ex. 865, T. 8807-10; Ex. 1067, T. 9879-82.)

the accused SUZUKI President of the Planning Board,  
1 one of the most important offices in preparing the  
2 nation for war, and TOYODA Minister of Commerce and  
3 c. Industry. This was regarded by KONOYE as creating  
4 a real munitions ministry, marking an advance toward  
5 d. perfection of the national defense structure.  
6

G-65. The issues responsible for the es-  
7 trangement of Japan and the United States having been  
8 defined in the Washington Conferences, a period of  
9 preliminary negotiations began. On April 9, 1941,  
10 there was presented to the Department of State in  
11 Washington an unofficial proposal for settling the  
12 differences. This draft was the result of secret  
13 conversations held since the previous December between  
14 certain private citizens of the United States with no  
15 official government position and IWAKURO of the Mil-  
16 itary Affairs Bureau of the War Ministry and IKAWA,  
17 both then on duty with the Japanese Embassy in Wash-  
18 b. ington under NOMURA. This document proposed: that  
19 both nations accept joint responsibility for initi-  
20 ating and concluding a general agreement disposing of  
21 the question of resuming friendly relations; they both  
22 wished to prevent incidents from recurring and to  
23

24 (G-64. c. Ex. 1058, T. 9850.  
25 d. Ex. 3216A, T. 29174.)  
(G-65. a. Ex. 1059, T. 9851.  
b. Ex. 2866, T. 25673.)

correct them and hoped by joint effort to establish  
1 a just peace in the Pacific; since protracted negotia-  
2 tions would be weakening, adequate instruments should  
3 be developed for a general agreement binding on both,  
4 comprising only the urgent issues; with respect to  
5 international relations they would jointly acknowledge  
6 that their national policies were directed toward a  
7 lasting peace, that all nations and races are one house-  
8 hold, equally enjoying rights and admitting responsi-  
9 bilities regulated by peaceful processes; with respect  
10 to the European war, Japan would maintain that the  
11 Axis Alliance was purely defensive to prevent the war's  
12 extension and that it would come into force only when  
13 one party to the Alliance was aggressively attacked by  
14 a party not presently involved; the United States on  
15 the other hand would declare that its attitude toward  
16 the war would continue to be determined by no aggres-  
17 sive alliance to assist any nation, and its attitude  
18 was pledged to the hate of war and determined only by  
19 considerations of protective defense of its welfare  
20 and security; as to the China Incident, on the guar-  
21 ntee of terms by Japan, the United States would pro-  
22 pose to Chiang Kai-shek that he negotiate with Japan  
23 on terms which would provide for the independence of  
24 China, withdrawal of Japanese troops in accord with a

future agreement, no acquisition of territory or  
1 indemnity, resumption of the open door upon an inter-  
2 pretation and application to be agreed upon between  
3 Japan and the United States, coalition of the two  
4 Chinese governments, limited Japanese immigration to  
5 China, and recognition of Manchukuo; if this was ac-  
6 cepted, Japan would commence direct negotiations with  
7 the new Chinese government or its elements; Japan  
8 would offer general terms on the lines of neighborly  
9 friendship, joint defense against communism and econ-  
10 omic cooperation; with respect to naval relations,  
11 neither nation would dispose its naval and aerial forces  
12 so as to menace each other, this to be decided in  
13 detail at the proposed joint conference; Japan would  
14 also use good offices to release for American contract,  
15 a certain percentage of total tonnage of her merchant  
16 vessels when released from present commitments; in  
17 matters of commerce, both would assure each other a  
18 mutual supply of commodities available and required,  
19 and both would resume former trade relations either  
20 under a treaty like that of 1911 or a new one to be  
21 worked out; the United States would extend to Japan a  
22 gold credit in an amount sufficient to foster trade  
23 and industrial development directed to bettering Far  
24 East economy; on Japan's pledge that her activities in

the Southwest Pacific would be carried on by peaceful  
means, the United States would cooperate and support  
her in producing and procuring the natural resources  
she needed; as to political matters, neither would  
acquiesce in the transfer of territory in the Far East  
and Southwest Pacific to any European power, and both  
would jointly guarantee the independence of the Philip-  
ippines; Japan would ask the United States for aid in  
removing Hongkong and Singapore as doorways to further  
encroachment by Britain, and Japanese immigration to  
the United States and Southwest Pacific would be on a  
basis of equality and non-discrimination; a conference  
between the two nations was to be held at Honolulu,  
to be opened by KONOYE and Roosevelt, as soon as pos-  
sible after the present agreement was reached, and it  
would not reconsider this agreement. The understanding  
was to be kept confidential and jointly announced.

G-66. On April 14, 1941, Hull sent for NOMURA  
to ascertain the extent of his knowledge of this latest  
private proposal and whether he desired to present it  
officially as the first step in negotiation. NOMURA  
replied that he did not know all about it but he had  
collaborated with the individuals who had presented  
it and would be disposed to present it as a basis of  
(G-65. c. Ex. 1059, T. 9852-60.)

negotiation. At the same time he reiterated strongly  
1 that Japan did not intend to invade the South Seas  
2 area. Hull pointed out that prior to actual negoti-  
3 ations the United States desired to ascertain whether  
4 there was a basis for negotiations by learning Japan's  
5 view on such questions as the integrity and sovereignty  
6 of China and the principle of equality of opportunity.

7 G-67. On April 16, 1941, Hull again conferred  
8 with NOMURA to lay down the two conditions under which  
9 the United States would begin negotiations on the basis  
10 of this proposal. First it must be understood that  
11 while it contained numerous proposals to which the United  
12 States could readily agree, there were others which  
13 required modification, expansion or elimination and  
14 additional ones which the United States might submit.  
15 The second and paramount consideration was that the  
16 United States must have in advance a definite assurance  
17 that Japan was willing and able to go forward with  
18 the plan outlined and the points brought up in the con-  
19 versations, that Japan would abandon its doctrine of  
20 military conquest by force together with the use of  
21 force as an instrument of policy and would adopt the  
22 principles which the United States proclaimed, practised  
23 and believe should govern all relations between nations.  
24  
25 (G-66. a. Ex. 1060, T. 9863-5.)

These were: (1) respect for the territorial integrity  
1 and sovereignty of all nations; (2) support of the  
2 principle of non-interference in the internal affairs  
3 of others; (3) support of the principle of equality,  
4 including that of commercial opportunity; and (4) non-  
5 disturbance of the status quo in the Pacific except  
6 by peaceful means. These preliminary points were to  
7 be referred to <sup>a.</sup> him for answer. NOMURA thereupon  
8 transmitted the proposal to his government and recom-  
9 mended that he be permitted to proceed with negoti-  
10 ations, leaving all defects to be remedied at the  
11 b.  
12 Conference. He pointed out that the idea that Japan's  
13 advance to the south would not be made by armed force  
14 c.  
15 was the foundation of the whole understanding.

G-68. Immediately upon the receipt of NOMURA's  
16 request for instructions on April 18, 1941 KONOYA  
17 convened a meeting of high government and military  
18 leaders for the same night. At this conference there  
19 were present KONOYA, Vice-Foreign Minister OHASHI  
20 representing MATSUOKA who was out of the country,  
21 HIRANUMA, TOJO, MIKAWA, MUTO, OKA, TOMITA and the  
22 Chiefs of Staff of the army and navy. The consensus  
23 of opinion was that the acceptance of such a proposal  
24 (G-67, a. Ex. 1061, T. 9866-8  
25 b. Ix. 2870, T. 25683-5  
c. Ix. 2871, T. 25691.)

was the speediest way to dispose of the China Incident  
1 and would provide the best means of avoiding a United  
2 States-Japan war and of preventing the European conflict  
3 from becoming world-wide. They favored acceptance,  
4 but only on certain conditions. First, it must be  
5 made clear that there was to be no infringement of  
6 the Tripartite Pact but Japan was to keep faith with  
7 Germany. It must also be made clear that the object  
8 of the negotiations was to promote world peace. It  
9 would be a breach of faith with Germany if the under-  
10 standing would relieve the United States of her com-  
11 mitments in the Pacific and allow her to increase her  
12 support of Britain. Second, the agreement must clearly  
13 express the idea of building a new order. On April  
14 19, 1941, Lord Keeper of the Privy Seal KIDO and  
15 Premier KONOYE, who together with the Foreign Minister  
16 were the only advisors to the Emperor on diplomatic  
17 questions, conferred on NOMURA's request and agreed  
18 that they must endeavor to realize an agreement. How-  
19 ever, they also agreed that they must bend every  
20 effort to keep good faith with Germany and Italy and  
21 not to interfere with the establishing of a new order  
22 in the Co-Prosperity Sphere, Japan's fixed national  
23 b.  
24 policy. Thus all agreed on these basic conditions  
25 (G-68. a. Ex. 2866, T. 25694-80.  
b. Ex. 1065, T. 9875; Ex. 1066, T. 9877.)

notwithstanding the fact that those two conditions  
1 were two of the major obstacles standing in the way  
2 of a peaceful settlement already defined by Roosevelt  
3 and Hull in their conversations with NOMURA.

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G-69. When the proposal and request for  
1 instructions came, Foreign Minister MATSUOKA found  
2 that industry and high navy leaders were in favor  
3 of its serious consideration. MATSUOKA, ignoring  
4 economic circles, convinced the navy that the activist  
5 group of young officers in both services would resist  
6 the policy. He drafted an interim reply which was  
7 approved by KONOYE, HIRANUMA, the Army Chief of Staff,  
8 and other participants. He also on May 6, 1941,  
9 communicated through German Ambassador Ott to his  
10 fellow conspirator Ribbentrop a report on his ac-  
11 tivities and promised that he would so maneuver that  
12 the United States would be pledged to nonparticipation  
13 in the European War, which he assumed to be Hitler's  
14 aim. He, however, had meagre hopes for this to be  
15 accomplished. He had, however, made it clear through  
16 the American Ambassador to the Soviet Union that if  
17 the United States joined the war, Japan would imme-  
18 diately also join it on the side of the Axis.

19 MATSUOKA asked for the German views on the proposal.<sup>a.</sup>  
20 While the officials in Tokyo were formulating the exact  
21 proposal they were to make to the United States,  
22 NOMURA, on May 8, 1941, made a lengthy report to  
23 MATSUOKA in which, after reviewing the state of  
24 G-69. a. Ex. 1068, T. 9884-9.

American public opinion, he pointed out clearly  
1 that the United States would not recognize the new  
2 order in East Asia, would not recognize the transfer  
3 of territories acquired through aggression and was  
4 insistent on the observance of the four principles. b.

G-70. On May 12, 1941, following the receipt  
6 of instructions, NOMURA presented the first Japanese  
7 draft proposal. It was similar in outline and  
8 structure to the original proposal but contained  
9 important points of difference. The section on con-  
10 cepts on international relations was altered only  
11 to the extent of adding a clause whereby both would  
12 admit their responsibility to oppose oppression and  
13 exploitation of backward nations. With respect to the  
14 European War, Japan proposed a direct reference to  
15 the Tripartite Pact by stating that her obligations  
16 of military assistance under it would be applied under  
17 article 3 of the pact, on the ground that the change  
18 would clarify the relationship of the understanding  
19 to the pact. In respect to China affairs, an entirely  
20 new section was substituted which provided that the  
21 United States acknowledged the KONOYE three principles  
22 and the principles based on these set forth in the  
23 G-69. b. Ex. 2872, T. 25701, T. 25709-10.

treaty with Nanking and the Joint Declaration of  
1 Japan, Manchukuo and China. It provided that the  
2 United States, relying upon Japan's policy to establish  
3 neighborly friendship with China, would request Chiang  
4 Kai-shek to negotiate peace with Japan. It was main-  
5 tained that KONOYE's three principles of neighborly  
6 friendship, joint defense against communism and eco-  
7 nomic cooperation involved everything contained in the  
8 original. The explanation also proposed a separate,  
9 secret document or definite pledge that if Chiang did  
10 not accept United States advice to negotiate, the  
11 United States would discontinue her assistance to him.  
12 They also deleted any reference to large-scale immigra-  
13 tion to China because it might give the mistaken im-  
14 pression that the United States was trying to dictate  
15 to Japan, but they assured the United States that  
16 Japan in fact accepted this stipulation. The section  
17 on naval and aerial forces was deleted because this  
18 could be better handled after an understanding was  
19 reached. For the same reason the gold credit clause  
20 was deleted. With respect to political stabilization  
21 in the Pacific, the matter of refusing to acquiesce in  
22 a transfer of Southwest Pacific territory was dropped;  
23 a stipulation was added that the Philippines should  
24 remain neutral and not discriminate against Japanese;

and the phrase "and to the Southwest Pacific" was  
1 dropped from the immigration clause. The stipulation  
2 for a conference was dropped. Japan thought it better  
3 to do this by an exchange of letters between the  
4 President and Premier when both nations deemed it  
5 useful to hold the conference.  
6

G-71. On May 16, 1941, Mr. Hull made cer-  
7 tain suggestions for changes in the draft plan. As  
8 to the European War question, he suggested that  
9 Japan's obligations of military assistance under the  
10 Tripartite Pact be spelled out and that Japan declare  
11 that she was under no commitment under the Axis  
12 Alliance or otherwise which was inconsistent with the  
13 terms of the declaration of policy agreed upon between  
14 Japan and the United States. For the settlement of  
15 the China question he substituted a provision similar  
16 to the original private draft under which, on the  
17 conclusion of the agreement the President would suggest  
18 to both Japan and China that they negotiate to termi-  
19 nate hostilities on the basis of neighborly friendship,  
20 mutual respect of sovereignty and territories, with-  
21 drawal of Japanese troops according to an agreed  
22 schedule, no annexation or indemnity, equality of  
23 commercial opportunity fair to all, parallel measures  
24  
G-70. a. Ex 1070, T. 9891, T. 9894-9903.

of defense against external subversive activities and  
1 friendly negotiations on the future of Manchuria. On  
2 the matter of economic activity in the Southwest  
3 Pacific, Hull stated the matter in terms of the  
4 activities and cooperation of both nations.  
a.

5 G-72. While Hull was endeavoring to reach with  
6 NOMURA a satisfactory solution of outstanding problems,  
7 MATSUOKA was busily giving ample additional proof that  
8 he was directing the negotiations on the part of Japan  
9 insincerely and solely for purposes of delay. On  
10 May 18, 1941, through Ambassador Ott, Germany complained  
11 to MATSUOKA about his opening negotiations without,  
12 waiting for Germany's views on the matter and demanded  
13 that America must give clear assurance not to partici-  
14 pate in the European War and that the provision men-  
15 tioning the Tripartite Pact in the Japanese draft be  
16 the absolute minimum demanded. Germany further de-  
17 manded that she be immediately informed of the United  
18 States reply and that she be admitted to all further  
19 negotiations. MATSUOKA immediately promised him that  
20 Japan would not desert the Tripartite Pact and assured  
21 him further that at a secret cabinet meeting, it was  
22 agreed on MATSUOKA's insistence to acknowledge Japan's  
23 obligations under the pact. Furthermore, he regarded  
24  
25 G-71. h. Ex. 1071. T. 9904-7.

the negotiations skeptically and counted on the  
1 United States entering the war shortly. His motive  
2 was only to postpone or prevent United States entry  
3 into the war and to prevent increase of assistance  
4 a.  
to England. He agreed to report to Germany.

G-73. If MATSUOKA, himself, had really  
been in favor of settling the disagreements with the  
United States, others of the conspirators were  
adamantly opposed lest it endanger the objective  
of the conspiracy. On May 20, 1941, the day after  
MATSUOKA had explained to Ott the real purposes for  
which he had entered the negotiations, OSHIMA,  
Ambassador in Germany and the most active agent in  
Japanese-German collaboration for aggression, sent  
MATSUOKA three telegrams in which he diplomatically,  
but bitterly, complained of MATSUOKA's failure to  
advise him of the initiation of the negotiations,  
leaving him to find out about it from his German  
conferes. OSHIMA further advised MATSUOKA of the  
official German reaction of dissatisfaction and that  
the explanations which he had tried to make were not  
entirely satisfactory to the Germans. He pointed out  
the dangers to Japan both at home and abroad in  
continuing the negotiations and cautioned MATSUOKA to  
G-72. a. Ex. 1073. T. 9910-2.

1 insist on two points, if concluding the agreement was  
2 unavoidable. The first condition was that Japan must  
3 uphold the principle that she was to facilitate the  
4 Axis battle against Britain and must demand that  
5 America be neutral, but must make it clear that Japan  
6 had an obligation under the Tripartite Pact to par-  
7 ticipate in the war. The second condition was that  
8 Japan must be completely frank with Germany and  
9 Italy and exchange opinions with them. The follow-  
10 ing day, OSHIMA again telegraphed and demanded that  
11 the agreement be sent beforehand to the Japanese  
12 military and naval attaches in Germany, because it  
13 affected their plans greatly.  
14                   a.  
15                   b.

16 G-74. In the meantime the negotiations con-  
17 tinued. On May 28, 1941, the day after Roosevelt  
18 declared an unlimited national emergency, Hull and  
19 OMURA met again. In the conversation it became more  
20 and more clear that two of the great stumbling blocks  
21 to reaching an agreement lay in the divergence of  
22 views as to the extent of Japan's obligation under  
23 the Tripartite Pact and the solution of the China  
24 question. Hull emphasized that unless Japan clarified  
25 its attitude on its obligations under the pact, if the

G-73. a. Ex. 1075, T. 9918-32.  
b. Ex. 1076, T. 9933-4.

United States was drawn into the European War through  
1 action in the line of self-defense, there would be no  
2 assurance as to Japan's position.<sup>a.</sup> On May 31, 1941,  
3 the United States submitted to Ambassador NOMURA a  
4 revision of the proposed agreement and accompanied  
5 it with an oral statement of explanation. The new  
6 proposal provided for a complete revision of the  
7 section relating to the attitudes of the two countries  
8 toward the European war. Japan would state that the  
9 purport of the Tripartite Pact was defensive to pre-  
10 vent an extension of the European War and that its  
11 provisions did not apply to a nation becoming involved  
12 in the war in self-defense; and the United States would  
13 state that its attitude would be determined solely  
14 by considerations of protection, self-defense and  
15 national security. In an annex to the oral statement  
16 the United States elaborated on its attitude toward  
17 Hitler's conquests and pointed out that any fight by  
18 the United States against him would be one of self-  
19 defense. With respect to China the section was also  
20 rewritten to retain its underlying meaning. It pro-  
21 posed a provision that upon Japan communicating to the  
22 United States her terms to China, which would be in  
23 harmon with KONOYE's principles, the United States  
24  
25 G-74. a. Ex. 1077, T. 9935-6.

would suggest to China that it enter into negotiations with Japan to terminate hostilities and resume peaceful relations. In a separate annex the terms to be submitted were set forth and were the same as suggested by Hull on May 16, 1941. There was to be further discussion of cooperation against communism and stationing of troops. There were other modifications which for the purposes of this case are of little b. substantial importance. On the same day, Hull told NOMURA that at some proper time prior to any definitive discussion, he would talk over in strict confidence with China the general subject matter of the conversations, especially as they related to China. c.

G-75. In the meantime, while the United States had been framing and presenting its counter-proposal, MATSUOKA had been continuing his loud talking to such an extent that Hull on June 2, 1941, was led to inquire of NOMURA whether Japan seriously and earnestly desired to enter into a settlement for the Pacific or was merely seeking a way to get out of China while otherwise going forward with methods and practices contrary to the principles underlying the settlement. NOMURA assured him that a fair and earnest G-74. b. Ex. 1078, T. 9938-46; Ex. 1079, T. 9948-59.  
c. Ex. 1080, T. 9960.

settlement was desired.

G-76. On June 4, 1941, a conversation took place between members of the Staff of the Department of State and members of the Japanese Embassy Staff to work out the points of difference in the Japanese and American proposals. Colonel IWAKURO stated that Japan was prepared to drop from its draft the suggestion that the United States would not resort to any aggression aimed to assist one nation against another, if the United States would drop from its draft the provision that the Tripartite Pact did not apply to involvement through acts of self-defense. With respect to China the Japanese proposed a new formula that the President suggest to Chiang Kai-shek that he enter negotiations with Japan on the basis of the KONOYE principles and their practical application to avoid giving the idea that there was any American mediation. The Japanese also offered an alternative formula to be used to the effect that since Japan had announced the terms on which she would propose settlement of the China conflict, which were declared to be in harmony with the KONOYE principles, the President would suggest to China that she and Japan negotiate. The matter of which Chinese Government would deal

G-75. a. Ex. 1081. T. 9961-2.

1 with was to be left to the Chinese. In the annex  
2 proposing terms of peace the Japanese desired to  
3 include a provision for cooperative defense against  
4 communism and the stationing of troops to eliminate  
5 the economic cooperation provision and to substitute  
6 a provision of recognition of Manchukuo instead of one  
7 requiring amicable relations in regard thereto. Other  
8 changes of varying importance on trade and political  
9 matters in the Pacific were also discussed.<sup>a.</sup>

10 G-77. Having considered the suggestion  
11 made by the Japanese on the 4th, on June 6, 1941,  
12 Hull told NOMURA that the Japanese revisions appeared  
13 to have gradually narrowed down the extent of advance  
14 toward a liberal policy and carried the negotiations  
15 away from the fundamental points the United States  
16 believed to be involved. The revisions and recent  
17 manifestations of Japan's attitudes revealed three  
18 tendencies: (1) Stressing of Japan's alignment with  
19 the Axis; (2) avoiding indicating clearly any inten-  
20 tion to place Japan's relations with China on a basis  
21 which would contribute to peace and stability in the  
22 Far East; and (3) veering away from clear-cut com-  
23 mitments on policies of peace and non-discriminatory  
24  
25 G-76. a. Ex. 1083, T. 9965-78.

<sup>a.</sup>  
treatment.

G-78. Notwithstanding Mr. Hull's warning  
and understanding of Japanese tactics, NOMURA, on  
June 15, 1941, submitted a new draft revision embody-  
ing the suggestions on which Hull had expressed his  
disapproval. On June 21, 1941, Hull handed NOMURA  
an American revision substantially the same as the  
earlier American draft with certain amendments. The  
two chief amendments concerned the Tripartite Pact  
and the China conflict. It was proposed that in lieu  
of the annex proposed in the May 31 draft that there  
be an exchange of letters in one of which the United  
States would state that she had explained to Japan her  
policy toward war and self-defense and that she would  
like to have Japan express, with regard to measures  
the United States might have to adopt for her own  
security, that Japan had no commitment requiring her  
to take any action contrary to the fundamental ob-  
jective of the agreement. To this Japan would reply  
that she understood the United States attitude and  
that with respect to these measures she had no commit-  
ment to take action contrary to the objective of the  
agreement. The matter of economic cooperation with

G-77. a. Ex. 1085, T. 9982-3.  
G-78. a. Ex. 1087, T. 9988-95.

1 China, it was proposed, should be made after all  
2 other points had been worked out, and Hull would  
3 write to Japan asking for confirmation of certain  
4 oral statements made by Japan on various economic  
5 b.  
matters.

6 G-79. At the time of delivering this new  
7 revision, Hull told NOMURA that accumulating evi-  
8 dence showed that some influential Japanese leaders  
9 were committed to Germany and her policy and wanted  
10 to fight the United States if she went to war with  
11 Hitler. So long as these leaders had this attitude,  
12 it was illusory to expect that the adoption of the  
13 Japanese proposal offered a basis for substantial  
14 results. Another source of misgiving was that Japan  
15 wanted to include a provision allowing her to station  
16 troops in Inner Mongolia and North China. This in-  
17 volved the right of a third country, and in view of  
18 United States principles she could not associate her-  
19 self with that idea. He had, therefore, come to the  
20 conclusion that the United States must wait for a  
21 clear indication from Japan to pursue a course of  
22 a.  
23 peace and hoped that she would do so.

24 G-80. While the diplomatic conversations  
25 G-78. b. Ex. 1092, T. 10008-19.  
C-79. c. Ex. 1091, T. 10001-3.

were taking place between Hull and NOMURA, events were  
1 happening in Japan and elsewhere in the world which  
2 further complicated and obstructed the path to a  
3 peaceful solution and introduced new problems which  
4 led to a breakdown in the negotiations and eliminated  
5 whatever chances the conversations might have had  
6 for a successful conclusion. On June 6, 1941,  
7 OSHIMA advised that Hitler had told him that Germany  
8 had decided to attack the Soviet Union and had inti-  
9 mated, without saying, a desire for Japan's partici-  
10 pation in the war. At first this message was not  
11 given much credence, both MATSUOKA and TOJO being  
12 inclined to believe that the chances for a German-  
13 a.  
14 Soviet agreement were better than those for war.  
15 However, as the time passed it became manifest that  
16 OSHIMA's information was correct. Again the conspira-  
17 tors divided on the question of proper timing. The  
18 conspirators split as to what action should be taken  
19 by Japan when the German-Soviet war broke out. On  
20 or about June 11, 1941, UMEZU, then commanding the  
21 Kwantung Army, had expressed his views and welcomed  
22 the Japan-Soviet neutrality pact, while recognizing  
23 that Japan's attitude must change when German-Russian  
24 b.  
25 relations altered due to the Tripartite Pact.  
G-80. a. Ex. 1084, T.9979-81; b. Ex.1086, T. 9987.

KIDO, KONOYE, and HIRANUMA were opposed to Japan's entry into a German-Soviet war at that time, while MATSUOKA and OSHIMA were both in favor of invoking the provisions of the Tripartite Pact. SHIRATORI too favored this latter view. Even before the war broke out it was feared that the Premier-Foreign Minister split would lead to the downfall of the cabinet. When the war broke out on June 22, 1941, between Germany and Russia, the KIDO-KONOYE, HIRANUMA group of conspirators headed off the MATSUOKA faction by KIDO advising the Emperor to impress upon MATSUOKA his desires to have matters handled through Premier KONOYE and through careful consultation with him. In view of the warning, the Emperor, after the audience with MATSUOKA, was quite worried that the latter's policy would mean Japan's advance to both the north and south simultaneously, and it was doubtful whether Japan's national strength was sufficient. MATSUOKA, however, took some heed of the warning and stated at this time, after consultation with KONOYE, that his plan was one for the future, not to be put into immediate action.

G-80. c. Ex. 1093, T. 10021-2.  
d. Ex. 1113, T. 10157-8.  
e. Ex. 1084, T. 9979-81.

1 G-81. The group of conspirators represented  
2 by KONOYE, KIDO, and HIRANUMA were properly worried  
3 because for some time all the conspirators had been  
4 actively engaged in developing their program for ex-  
5 pansion toward the south, and the MATSUOKA program  
6 for war against the Soviet threatened the potential  
7 success of the plan. The program for advance to the  
8 South clearly contemplated further aggressive action  
9 and involved the danger of conflict with Britain and  
10 the United States. It was to become another obstacle  
11 in the way of a peaceful settlement with the United  
12 States and reflected the insincerity of the conspira-  
13 tors in handling the negotiations. All during the  
14 months of April, May, and June, Liaison Conferences,  
15 which had gone on during the first quarter of the  
16 year, were continued between the cabinet and the High  
17 Command on this matter. Attending practically all  
18 meetings were the conspirators KONOYE, TOJO, MATSUOKA,  
19 HIRANUMA, NAGANO, MUTO, and OKA. On June 25, 1941,  
20 a decision had been reached regarding the entry of  
21 Japanese troops into French Indo-China and was reported  
22 to the Emperor by KONOYE, NAGANO, and SUGIYAMA.  
23 b.

24 G-82. The conspirators in favor of intervention  
25 G-81. a. Ex. 1103, T. 10060-3; b. Ex. 1095, T. 10025-8.

1 in the German-Soviet War began to apply pressure to  
2 obtain Japan's declaration of war against the Soviet.  
3 In Germany, OSHIMA agreed to influence his government  
4 to effect speedy military action against the Soviet.  
5 Ambassador Ott in Tokyo was instructed to act likewise  
6 by advising the Japanese that they had a unique  
7 opportunity for the new order in East Asia by going  
8 to war with the Soviet. After the elimination of  
9 Soviet power in Asia, the solution of the China  
10 question would have no difficulty. Japan was not  
11 ready to move toward Singapore, and action against  
12 the Soviet would protect her rear. This would be  
13 the best way of convincing the United States not to  
14 participate in the European War. However, Ott dis-  
15 covered that KONOYE and his group had come to the  
16 conclusion that nothing must be done which would injure  
17 Japan's military position in China and that Japan  
18 should tighten her grip on French Indo-China.  
19 b.

20 G-83. Regardless of the ultimate decision on  
21 the directions of Japan's aggressive moves, prepara-  
22 tions for carrying them on were being made by the  
23 conspirators. President SUZUKI of the Planning Board  
24 and TOJO were working on the unification and reinforce-  
25 ment of the Imperial General Headquarters, the highest

G-82. a. Ex. 1096, T. 10031-3; b. Ex. 1097, T. 10034-6.

1 military organ in time of war. On June 28, 1941,  
2 TOJO was able to report on the strengthening of that  
3 body and that arrangements had been made for it to  
4 meet every day at the palace.  
5 G-83. a. Ex. 1094, T. 10024; Ex. 1098, T. 10037.

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G-84. A decision having been made by the  
1 Liaison Conference to advance to the south by tightening  
2 the grip on French Indo-China and with a number of the  
3 conspirators clamoring for starting war against the  
4 Soviet, it was decided to finally dispose of the matter  
5 by calling an Imperial Conference in the presence of  
6 the Emperor, the decision of which would be binding and  
7 final. Since the principal matter involved the  
8 stationing of troops in French Indo-China, the matter  
9 was brought up by War Minister TOJO after the agenda  
10 and policy had been decided upon with KONOUE and  
11 MATSUOKA and had received the approval of the Liaison  
12 a. Conference. On July 2, 1941, Premier KONOUE, Foreign  
13 Minister MATSUOKA, War Minister TOJO, Navy Minister  
14 OIKAWA, Finance Minister KAWADA, President of the Plan-  
15 ning Board SUZUKI, Home Minister HIRANUMA, Chief of  
16 the Army General Staff SUGIYAMA, Chief of the Naval  
17 General Staff NAGANO, Chief Cabinet Secretary TOMITA,  
18 Director of the Navy Affairs Bureau OKA, Vice-Chief  
19 of the Army General Staff TSUKADA, Vice-Chief of the  
20 Naval General Staff KONDO and President of the Privy  
21 b. Council HARA met in the presence of the Emperor.

G-85. The Imperial Conference decided that  
24 regardless of any change in the international situation  
25

(G-84. a. Ex. 1110A, T. 10152, Ex. 1123, T. 10181.  
b. Ex. 1107, T. 10140.)

Japan would adhere to establishing the Greater East Asia Co-Prosperity Sphere, would continue the China Incident and move to the south to establish a basis for self-existence and self-defense. Further pressure was to be made on the Chiang regime through the southern regions, and at the proper time Japan would exercise her rights of war against China. Japan would continue negotiations with relevant nations in the south and would take other measures. Japan would follow out her schemes against French Indo-China and Thailand as planned. She would not hesitate to go to war for this purpose with Britain and the United States. While the Tripartite Pact would govern Japan's views on the German-Soviet war, she would not intervene but would arm and continue negotiations, taking up arms if that war went favorably. All these measures had to be carried out so that it would not be difficult to maintain Japan's basic position for a war with Britain and the United States. Japan would do her utmost to prevent United States participation in the European war through prearranged diplomatic measures and otherwise, but if the United States did participate Japan would follow the Tripartite Pact a. deciding independently the time and method. As well expressed by KONO, while the leaders of Japan were  
(G-85. a. Ex. 588; T. 6566-9.)

able to set aside the insistent demands for an immediate  
1 war with the Soviet Union, they had to decide upon the  
2 armed occupation of French Indo-China as a consolation  
3 prize. It was further recognized that the negotiations  
4 with the United States might break down, but in that  
5 event the matter was to be prolonged until Japanese  
6 troops had entered French Indo-China.<sup>c.</sup> With this  
7 decision the assurances given by NOMURA that Japan had  
8 no intention of moving to the south became meaningless.  
9 It also signified that there could be no hope for  
10 settling the two obstacles to United States-Japan  
11 Agreement, the China Incident and the Tripartite Pact.  
12

G-86. As the negotiations with France were  
14 getting under way in accordance with the decision of  
15 the Imperial Conference, a new crisis developed among  
16 the conspirators. The proposal of the United States  
17 of June 21, 1941, had not yet been answered. MATSUOKA  
18 had become incensed and desired to wire instructions  
19 to NOMURA to reject Hull's oral statement of June 21  
20 to be followed later by a revised formula prepared by  
21 MUTO and OKA. KONOUE, on the other hand, desired that  
22 both the protest and the new formula go forward together  
23 lest the United States take the rejection of the oral  
24 (G-85. b. Ex. 2877, T. 25727.  
25 c. Ex. 2866, T. 25674-5.)

statement to imply a discontinuance of negotiations.

1 Notwithstanding the Premier's opposition to his plan,  
2 MATSUOKA wired instructions to NOMURA. This immediately  
3 precipitated a cabinet crisis involving either a resig-  
4 nation en masse or the resignation of MATSUOKA as  
5 Foreign Minister. This latter course was deemed in-  
6 expedient because it might appear that MATSUOKA's  
7 resignation was due to pressure from the United States  
8 which would have a bad effect, and it was decided to  
9 have the cabinet resign en masse. Accordingly on  
10 July 16, 1941, the second KONO Cabinet resigned, and  
11 KIDO was instructed to call a meeting of the Senior  
12 Statesmen to recommend a successor Premier. On the  
13 17th, KIDO met with former Premiers WAKATSUKI, OKADA,  
14 ABE, YONAI, HAYASHI and HIROTA. Out of the entire group  
15 HIROTA alone, stressing the reinforcement of Imperial  
16 General Headquarters, urged the formation of a military  
17 cabinet, but on learning from KIDO that Imperial Head-  
18 quarters was meeting daily in the palace, he consented  
19 to making unanimous the decision of the rest that the  
20 mandate again be given to Prince KONO. The members  
21 of the third KONO Cabinet remained substantially the  
22 same as before, with TOJO remaining as War Minister.  
23  
24 (G-86. a. Ex. 1115, T. 10162-3.  
25 b. Ex. 1115, T. 10163-4; Ex. 1116, T. 10165.)

KIMURA became Vice-Minister of War; SUZUKI became a  
1 Minister of State while retaining the presidency of  
2 the Planning Board; HIRANUMA ceased to be Home Minister  
3 but remained on as Minister of State; Admiral TOYODA,  
4 Teijiro, became Foreign Minister.  
5

G-87. The new cabinet, having eliminated  
6 MATSUOKA, continued the policy of the old with respect  
7 to French Indo-China, and notified Germany that Japan's  
8 policy would continue to rest on the basis of the  
9 Tripartite Pact and that there would be no change in  
10 a.  
11 Japan's attitude toward Germany and Italy. On July 21  
12 the new cabinet agreed that the Premier, Foreign  
13 Minister and other ministers should meet with the War  
14 and Navy Ministers and the High Command to exchange views  
15 b.  
16 and make national policies. On July 20, Japan came  
17 to an agreement with Vichy on the question of occupying  
18 bases in French Indo-China and proceeded to work out  
19 with Vichy the protocol to effectuate the agreement.

G-88. As soon as rumors of the demands upon  
20 Vichy became known in Washington, they were immediately  
21 brought to NOMURA's attention by the Department of State.  
22 It was pointed out that such movements were inconsistent  
23 with the current conversations, and information on the  
24

25 (G-86. c. Ex. 1117, T. 10166-8.  
G-87. a. Ex. 1118, T. 10170-1.  
b. Ex. 1103, T. 10172.)

1                   a.  
2 facts was requested. On July 23, the matter had  
3 become so serious that NOMURA, fearing that diplomatic  
4 relations might be severed, wired for instructions.  
5 He pointed out that American public opinion toward  
6 Japan was changing rapidly, the people considering  
7 Japan's southern advance only the first step to Singapore  
8 and the Netherlands East Indies. Some Americans were  
9 stating that Hull was being deceived, since Japan was  
10 planning the southward advance while negotiating in  
11 Washington. The matter was also further complicated  
12 by reports from Tokyo that the United States negotiations  
13 were to be "torpedoed" in Tokyo and that Japan had  
14 explained to the Axis that the negotiations were only  
15 a stratagem to complete preparations for the southward  
16 b. advance. On the same day, NOMURA attempted to explain  
17 to Under Secretary Welles that Japan's action was  
18 necessary to secure an uninterrupted source of supply  
19 and to ensure against military encirclement. Welles,  
20 after pointing out that the proposed agreement would  
21 given Japan much greater security than occupation of  
22 French Indo-China and that the United States was  
23 opposed to encirclement as a policy, replied bluntly  
24 that the United States had to regard this action as  
25 (G-88. a. T. 10760; Ex. 2879, T. 25732-3.  
      b. Ex. 1120, T. 10176-8.)

final notice that Japan was taking the last step toward  
1 a policy of expansion and conquest in the South Seas  
2 and therefore could see no basis for continuing the  
3 discussions. On July 26, 1941, TOYODA made an expla-  
4 nation to Grew similar to that of NOMURA to Welles.  
5 He explained that Japan had undertaken the joint defense  
6 of French Indo-China as a precautionary measure against  
7 the reports of an encircling of French Indo-China which  
8 would be a menace to the area so indispensable in  
9 prosecuting the China Affair and the securing of neces-  
10 sary resources. He warned that if the United States  
11 took a provocative attitude based on doctrinaire and  
12 theoretical principles, Japan might be forced to take  
13 counter-measures which would not be conducive to the  
14 maintenance of friendly relations. Less than a month  
15 later, on August 18, 1941, TOYODA abandoned encircle-  
16 ment as a reason for the move and stated that it had  
17 been done exclusively for settling the China Affair.  
18

G-89. In an effort to avert the Japanese  
19 movement and a breakdown in conversations, on July 24  
20 President Roosevelt proposed to Japan that French Indo-  
21 China become a neutralized country giving Japan the  
22 fullest and freest opportunity of assuring a source  
23 of food, supplies and other materials which Japan  
24

(G-88. a. T. 10760.

d. Ex. 2833; T. 25753-5.

e. Ex. 2891, T. 25789.)

1 claimed she was seeking. This offer was not accepted.  
2 Instead, the agreement and protocol were pushed to a  
3 conclusion, publicly announced and Japan moved her  
4 troops into French Indo-China. Regarding this action  
5 as an aggravated, overt act increasing greatly the risk  
6 of war and realizing that the United States and others  
7 were confronted not with a question of avoiding that  
8 risk but with the problem of preventing a complete under-  
9 ining of their security, President Roosevelt, in order  
10 to make a definite and clear move in self-defense of  
11 the United States, on July 26, 1941, froze all Japanese  
12 assets in the United States and brought under control  
13 all financial and trade transactions in which Chinese  
14 and Japanese interests were involved. Britain and  
15 the Netherlands followed suit. As a result, all trade  
16 between Japan and the United States virtually ceased.  
17 That American fears were not unjustified is brought out  
18 by the fact that when Japan attacked the United States,  
19 she also made an attack from Saigon in French Indo-  
20 China toward the east coast of Thailand supported by  
21 aircraft based in the area.  
22 c.

23 G-90. During the month of August the group  
24 of conspirators who were anxious to obtain sanction for  
25 (G-89. a. T. 10762.  
b. T. 10762-3.  
c. Ex. 1124A, T. 10183-4.)

Japan's aggressive designs through negotiations with  
1 the United States became frightened. On July 31, 1941,  
2 NAGANO, Chief of the Navy General Staff had told the  
3 Emperor that so long as the Tripartite Pact, to which  
4 he was opposed, continued in existence, Japanese-American  
5 relations could not be adjusted, and if they were not  
6 adjusted, due to Japan's lack of a sufficient oil supply,  
7 Japan would have to take the initiative in operations  
8 and in his opinion Japan's chances for victory were  
9 a. very slim. While KIDO disagreed with NAGANO on the  
10 Tripartite Pact and stated that there were several means  
11 b. yet to be tried with the United States, both he and  
12 KONOUE were strongly disturbed by the oil question and  
13 c. its effect on Japan's chances in the event of war.  
14 The matter was further complicated because of a dis-  
15 agreement between the War and Navy Ministers and the  
16 d. rest of the government. KIDO and KONOUE had come to  
17 the conclusion that Japan's lack of oil was so critical  
18 that there would be an acute national crisis if a  
19 mistake was made in diplomacy. They felt that the  
20 government and the military must come to a fundamental  
21 agreement, or the government must be turned over to the  
22 army and navy. On August 7, KIDO told KONOUE his  
23 (G-90. a. Ex. 1125, T. 10184-5. c. Ex. 1130, T. 10199.  
24 b. Ex. 1125, T. 10186. d. Ex. 1129, T. 10196-7  
25

conclusion that Japan was facing a serious situation  
1 with regard to oil, and if navy figures were correct,  
2 war with the United States would be hopeless. Japan  
3 would have to get oil from the Netherlands East Indies,  
4 and if she attacked that area, it would mean war with  
5 the United States. Japan might be compelled to give  
6 in, as she did in the case of the three-power inter-  
7 ference after the Sino-Japanese war. Japan should there-  
8 fore be resolved to toil for ten years, meanwhile  
9 restoring friendly relations with the United States and  
10 maintaining her ultimate objective of an advance to  
11 the south through a ten-year plan. At any rate, Japan  
12 must decide her national policy by holding a conference  
13 e.  
14 without loss of time with army and navy leaders.

G-91. Completely worried by the situation,  
15 KONOUE attempted two tactics of great importance. He  
16 began a series of Liaison Conferences, which led to his  
17 petition to the throne on September 5 for an Imperial  
18 Conference. During the month of August he attempted to  
19 reopen the negotiations with the United States.  
20

G-92. On August 14, 1941, KONOUE proposed to  
21 TOJO and OIKAWA that he, KONOUE, meet with President  
22 Roosevelt and express boldly Japan's bold intention.  
23 He would be prepared to break off talks and return home  
24 (G-90. e. Ex. 1130, T. 10199-203.)

If Roosevelt still did not understand. This would be  
1 carried out while they would be fully preparing for war.  
2 He stated that through such attempt, if it failed, the  
3 people would understand that war was unavoidable.  
4 While the Navy Minister readily agreed, TOJO opposed  
5 on the grounds that it would weaken diplomatic relations  
6 based on the Tripartite Pact and would create a con-  
7 siderable public stir. However, although he felt the  
8 meeting to be unsuitable and very likely to fail, he  
9 stated that the army would not necessarily disagree  
10 if KONOЕ intended to attend the meeting determined to  
11 firmly support the basic principles in the Empire's  
12 Revised Plan to the "N" Plan and to carry out a war  
13 against the United States in case the President failed  
14 a.  
15 to understand Japan's true intentions. Thus, at the  
16 very moment that KONOЕ first suggested to his colleagues  
17 the idea of his meeting with Roosevelt, TOJO, the man  
18 who held the key to the situation and without whose  
19 consent no agreement with the United States could be  
20 made, had expressed, if not his opposition, his lack  
21 of faith in the project. It is clear that in giving  
22 his half-hearted consent to the plan, TOJO did so only  
23 as a desire to get those of the conspirators like  
24 KONOЕ, who hoped to attain Japan's objective through  
25 (G-92. a. Ex. 2866, T. 25767-71.)

negotiations, committed to his policy of aggressive  
1 war.

2 G-93. On August 7, encouraged by the  
3 Emperor's view that the meeting should take place as  
4 soon as possible, in view of the embargo, KONOUE took  
5 steps to initiate the plan, and instructions were  
6 sent to NOMURA.<sup>a.</sup> On August 8, 1941, NOMURA, pursuant  
7 to instructions, inquired whether it would not be  
8 possible for the heads of both governments to meet and  
9 discuss means for reaching an adjustment of views.

10 After reviewing the steps leading to discontinuance  
11 of the former conversations, Hull replied that Japan  
12 must decide whether it could find means of shaping its  
13 policies along lines which would make it possible to  
14 adjust views.<sup>b.</sup> On August 16, 1941, NOMURA advised

15 Foreign Minister TOYODA that relations with the United  
16 States were critical and the next movement by Japan,  
17 such as an advance into Thailand, might lead to sudden  
18 change.<sup>c.</sup> On August 17, 1941, Roosevelt replied to  
19 NOMURA's inquiry and stated that if Japan felt it

20 could suspend its expansionist activities, readjust  
21 its position and embark on a peaceful program along  
22 (G-93. a. Ex. 2866, T. 25771; Ex. 2887, T. 25772-5.  
23 b. T. 10763.  
24 c. Ex. 1131, T. 10202-3.)

the line of United States principles, the United  
1 States would consider continuing the interrupted,  
2 informal, exploratory discussions. However, in view  
3 of the nature of the interruption, it would be helpful  
4 before proceeding with plans for a meeting if Japan  
5 would furnish a clear statement of its attitude and  
6 d. On August 27, Prince KONO sent a message to  
7 President Roosevelt urging a meeting of the heads of  
8 the two governments to discuss all important problems  
9 between Japan and the United States covering the entire  
10 Pacific and stating many assurances, with several  
11 e. qualifications, of Japan's peaceful intent. When  
12 NOMURA delivered this personal message on August 28,  
13 1941, at the same time he delivered a governmental  
14 statement which maintained that Japan's actions were  
15 taken in self-defense and that the United States action,  
16 even if meant only for self-defense, due to the power  
17 of that nation could be taken as a continuing  
18 unfriendly pressure at variance with the conversations.  
19 It went on to state that the measures in French Indo-  
20 China were in self-defense to accelerate the China  
21 Incident and at the same time to secure Japan an  
22 equitable supply of essential materials, but Japan was  
23 (G-93. d. Ex. 2889, T. 25781-2.  
24 e. Ex. 1245B, T. 10764.

1 prepared to withdraw her troops as soon as the China  
2 Incident was settled or there was general peace in  
3 East Asia and gave her assurance that this action was  
4 not in preparation for a military advance into neigh-  
5 boring territories. It also stated that Japan would  
6 take no military action against the Soviet Union, so  
7 long as the latter was faithful to the neutrality  
8 treaty and did not menace Manchukuo or Japan. The  
9 statement also said that Japan's fundamental policy  
10 agreed with the basic principles to which the United  
11 f.  
12 States was committed.

13 THE PRESIDENT: We will recess for fifteen  
14 minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1500, after which the proceedings  
17 were resumed as follows:)

18 (G-93. f. Ex. 1245B, T. 10764-71.)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Horwitz.

MR. HORWITZ: May it please the Tribunal:

G-94. On September 3, 1941, President Roosevelt replied to KONOYE's invitation and suggested that it was desirable to take precautions to insure that the meeting between the two heads of government would be a success by trying to enter immediately into preliminary discussions of fundamental and essential questions involving practical application of the fundamental principles mentioned by KONOYE. He pointed out that he could not avoid taking cognizance of the indications in some quarters in Japan of concepts, which, if widely entertained, would be able to raise obstacles to successful collaboration. Within the State Department it was known that the President felt that he could go to such a meeting only if he had first attained some tentative assurance that it could accomplish something. He felt, in view of past events, that unless such a meeting produced concrete, clear-cut commitments for peace, Japan would distort its significance to discourage the Chinese and to hold the United States responsible for its failure.

G-95. Notwithstanding KONOYE's worry that Japan

(G-94. a. Ex. 1245-C, T. 10773-7.  
b. T. 10775-7.)

1 was heading toward a hopeless war with the United States  
2 and the fact that he had reopened negotiations, prepar-  
3 ations for war continued. On August 22, the Cabinet  
4 adopted the National Commodity Mobilization Plan for the  
5 second quarter of 1941-2 as proposed by President SUZUKI  
6 of the Planning Board, which had as its key points prompt  
7 expansion of armaments, an autarchical system for impor-  
8 tant resources in the Co-Prosperity Sphere and the main-  
9 tenance of a minimum standard of living. Beginning on  
10 September 2, the final war games were held at the Naval  
11 War College in Tokyo, participated in by top-ranking  
12 officers, which had as its two problems the working out  
13 of the details of the attack on Pearl Harbor and the  
14 establishment of a schedule of operations for occupying  
15 Malaya, Burma, Netherlands East Indies, the Philippines,  
16 the Solomons and Central Pacific Islands, including  
17 b. Hawaii. On September 5, the cabinet decided a traffic  
18 mobilization plan to place land and sea transportation  
19 on a wartime basis, and by the 7th the Railways and  
20 Communications Ministries had drafted concrete plans to  
21 c.  
carry it out.

22 G-96. The views expounded by TOJO expressing  
23 the army's opposition to KONOYE's meeting with Roosevelt.

24 (G-95. a. Ex. 1132, T. 10204-5.  
25 b. Ex. 809, T. 10210; Ex. 1127-A, T. 10211-2.  
c. Ex. 1133, T. 10213-4.)

nd favoring a decision to resort to war gradually  
1 strengthened, from the time of the United States freezing  
2 order opposition to the negotiations was brought out into  
3 the open. From August on, the General Staff began  
4 advocating an immediate breaking-off of the negotiations  
5 and an opening of hostilities. To arrive at a satisfac-  
6 tory program KONOYE repeatedly consulted with TOJO and  
7 OIKAWA and held numerous joint conferences in which the  
8 "National Policy" calling for breaking-off negotiations  
9 and the immediate opening of hostilities was discussed.  
10 As a result, it was decided to hold an Imperial Confer-  
11 a.  
ence.  
12

G-97. On September 6, 1941, the Imperial Confer-  
13 ence petitioned for by KONOYE on the 5th took place. It  
14 was attended by KONOYE, TOYODA, TOJO, OIKAWA, OGURA,  
15 SUZUKI, TANABE (Home Minister), SUGIYAMA, NAGANO, TOMITA,  
16 MUTO, OKA, TSUKUDA, ITO (Vice-Chief of Navy General  
17 Staff) and HARA of the Privy Council. At this meeting,  
18 in which the Emperor's questions, put through HARA, were  
19 unanswered, it was decided that in order to secure self-  
20 existence and self-defense, Japan, with a determination  
21 for war with the United States, Britain and the Nether-  
22 lands would complete her preparations by the end of  
23  
24 (G-96. a. Ex. 2866, T. 25809.  
25 G-97. a. Ex. 1107, T. 10216-7.  
b. Fx. 1135, T. 10215-6.)

October, but meanwhile, along with the preparations, Japan  
1 would strive to fulfill her demands through diplomatic  
2 measures. If the negotiations had no hope of being ful-  
3 filled by the beginning of October, Japan would immed-  
4 iately determine to wage war against the three powers.  
5 Measures were to be carried out according to pre-arranged  
6 national policy, and Japan would try to check the form-  
7 c.  
8 ing of a Russo-American combined force. At the close  
9 of the meeting, the Emperor urged that wholehearted  
10 efforts be made in diplomatic negotiations with the  
d.  
11 United States. At this meeting the chief conspirators  
12 then holding important office had made clear to them-  
13 selves, if not to the world, that Japan's aggressive  
14 demands would be met in the negotiations, or she would  
15 fight to carry out her objective.

16 G-98. On the same day as the Imperial Confer-  
17 ence had decided to go to war if Japan could not obtain  
18 her demands through negotiations, NOMURA presented to  
19 Hull a new proposal much narrower than the assurances of  
20 a.  
August 28. This plan stated that Japan would express  
21 concurrence in matters already agreed upon tentatively;  
22 she would not make any military advances from French  
23 Indo-China against adjoining areas; the attitude of  
24

25 (G-97. c. Tx. 588, T. 10217-8.

d. Ex. 1135, T. 10216.

G-98. a. Ex. 1245-D, T. 10778.)

both countries toward the European war would be decided  
1 by protection and self-defense, and if the United States  
2 participated in the war, Japan's interpretation of her  
3 obligation would be independently decided; Japan would  
4 try to re-establish normal relations with China, and when  
5 this was realized, would withdraw her troops as soon as  
6 possible in accordance with agreements with China;  
7 United States activities in China would not be restricted  
8 if equitable; Japan's activities in the Southwest  
9 Pacific would be carried on peacefully and under the  
10 principle of non-discrimination; and Japan would resume  
11 normal trade relations with the United States. Japan  
12 also proposed that the United States agree to abstain  
13 from any action prejudicial to Japan in settling the  
14 China Affair, to reciprocate Japan's commitment in the  
15 Southwest Pacific, to suspend any military measures in  
16 the Far East and Southwest Pacific, and to resume trade  
17 b.  
18 with Japan removing all restrictions thereto.

G-99. That this new proposal was not satisfactory to the United States was soon made abundantly clear. On September 10, 1941, Hull pointed out to NOMURA that the new proposals narrowed both the spirit and the scope of the previous conversations which had dealt with a broad understanding for the entire Pacific.

(G-98. b. Ex. 1245-D, T. 10778-81.)

He also stated that they failed to meet the problem of

the United States with respect to the Tripartite Pact,  
1 a military alliance with a nation engaged in world con-  
2 flict. NOMURA reported on September 12, 1941, that the  
3 difficult point of the negotiations was the problem  
4 regarding the withdrawal of Japanese troops from China  
5 and the stationing of troops there for anti-communist  
6 purposes. The United States would not accept the terms  
7 which Nanking had agreed to. It was believed that the  
8 provision of a two-years limit for evacuation in the  
9 United States proposal of June 21 was put in as a result  
10 of talks with China. NOMURA asked TOYODA for instruc-  
11 tions on dealing with this proposal. To this, on  
12 September 13, TOYODA replied that he understood the  
13 United States wanted Japan to acknowledge the four  
14 fundamental principles, but even without settling the  
15 problem of evacuation, Japan could not accept this, since  
16 it would look like Japan did it because of American  
17 pressure. It seemed to him that the United States  
18 wanted to negotiate with others and revive the Nine  
19 Power Treaty. Japan, however, would not negotiate with  
20 any power except the United States and would not be  
21 drawn into any councils, although she could not prevent  
22 (G-99. a. Ex. 2898, T. 25815.  
23 b. Ex. 1139, T. 10224-5.)  
24  
25

c.

the United States from so negotiating.

1           G-100. Since the time was growing short, the  
2 conspirators, desiring to accomplish the ends of the  
3 conspiracy through negotiations, rushed their proposals  
4 for settlement. On September 22, 1941, there was com-  
5 municated to Ambassador Grew a statement of the terms  
6 which Japan proposed to offer to China.   These terms  
7 were substantially identical to those made in Japan's  
8 proposals in the earlier conversations (including a  
9 demand for the recognition of Manchukuo) except that it  
10 specifically provided that for purposes of co-operation  
11 against communism Japan should have the right to station  
12 troops and naval forces in certain areas in China for a  
13 necessary period to accomplish these purposes in accord  
14 with agreements and usages while all other troops sent  
15 b.  
16 to China for the China Incident would be withdrawn.

17           G-101. Three days later, on September 25, 1941,  
18 Japan presented to Ambassador Grew a complete new draft  
19 of its proposal and requested an early reply. This  
20 revision contained nothing that was not included in  
21 earlier drafts, the assurance of August 28 and the pro-  
22 posals of September 6.   On September 27, 1941, TOYODA  
23 instructed NOMURA to meet Roosevelt promptly and  
24 (G-99. c. Ex. 1131, T. 10226-7.  
25 G-100. a. T. 10792.  
              b. Ex. 1245-F, T. 10792-4.  
              G-101. a. Ex. 1245-E, T. 10782-91.)

1 secretly and made a final effort to realize the meeting  
2 between Roosevelt and KONOYE. He cautioned NOMURA not  
3 to set a time limit or make a final request but pointed  
4 out that the situation was so serious as not to allow for  
5 b.  
unlimited postponement.

6 G-102. On October 2, 1941, Hull gave NOMURA a  
7 memorandum of an oral statement in which he reviewed the  
8 whole course of the resuméd negotiations and replied to  
9 Japan's proposal of September 6. He stated: Japan's  
10 proposal showed a divergence in the concepts of the two  
11 governments; Japan's proposal and statements served to  
12 narrow and restrict the principles and Japan's assurances  
13 that she wanted to move with the United States in putting  
14 into operation a broad program to maintain peace in the  
15 Pacific; the United States found certain points in  
16 Japan's proposal inconsistent with its principles; on  
17 economic policy Japan had limited its commitments for  
18 non-discrimination to the Southwest Pacific; with  
19 respect to non-discrimination in China, the explanation  
20 tended to imply a limitation of the principle because of  
21 Japan's nearness to China; the proposed continuance of  
22 troops in certain areas of China as a condition for  
23 settlement and the withdrawal of the other forces was  
24 inconsistent with the principles discussed; the United  
25 (G-101. b. Ex. 2905, T. 25836.)

States felt that a clear manifestation by Japan to withdraw from China and French Indo-China would make known to those hostile to Japan Japan's peaceful intention; the provision on the European war went further in solving that problem but needed further clarification. Hull pointed out that the United States wanted a comprehensive agreement and what Japan had offered was a program limited by qualifications and exceptions to actual application of the principles. Until this was worked out, nothing could be gained from a meeting between the heads of the two nations.

G-103. After receiving this memorandum, Japan redoubled its emphasis for haste in reaching an agreement. The conspirators presented new formulas for limited special problems and stated Japan had gone as far as she could in making concessions. The conspirators began to exert pressure in every direction. On September 28, 1941, TOYODA disclosed his opinions on United States problems to Craigie, the British Ambassador. On October 7, USHIBA, KONOYE's private secretary, took up the matter with Dooman, counsellor of the United States embassy, and on October 8, TERASAKI, Chief of the American Bureau, discussed matters with (G-102. a. Ex. 1245-G, T. 10795-807.  
G-103. a. T. 10809-10.  
b. Ex. 2907, T. 25846-7.)

c.

Grew. On October 13, WAKASUGI took up with Welles the  
 1 question of evacuating troops from China. However,  
 2 the United States felt that there was nothing in the new  
 3 formulas to show that Japan would follow a peaceful  
 4 course or would abstain from her objective -- the  
 5 domination of China and the Western Pacific.  
 e.

G-104. While the negotiations were continuing,  
 7 preparations for going to war were constantly going on.  
 8 TOJO admitted that after the decision of September 6  
 9 preparations were pushed. On September 11, a few days  
 10 after the conference, TOJO explained to KIDO the results  
 11 of an investigation concerning preparations for war  
 12 b. against the United States. On September 12, after an  
 13 explanation by SUZUKI, the cabinet adopted a plan for  
 14 labor mobilization formulated by the Planning Board and  
 15 Welfare Ministry to increase the production of munitions.  
 c.

G-105. As the beginning of October drew near  
 17 and the moment was approaching to decide on war in  
 18 accordance with the decision of September 6 because of  
 19 the failure of the diplomatic negotiations to meet Japan's  
 20 demands, certain of the conspirators became very reluc-  
 21 tant to take the final step. KONOYE, under whom the  
 22

(G-103. c. Ex. 2909, T. 25853; Ex. 2910, T. 25854-6.

d. Ex. 2911, T. 25856-7.

e. T. 10809-10.

25 G-104. a. Ex. 1137-A, T. 10221.

b. Ex. 1138, T. 10222.

c. Ex. 1140, T. 10228-9.)

China Incident had broken out and who had officially been  
1 the first to proclaim the new order, still thought that  
2 negotiation might achieve the desired result. As early  
3 as September 26, he admitted to KIDO that he had no con-  
4 fidence and he would have to resign if the military in-  
5 sisted on starting a war on October 15. Likewise HARA  
6 of the Privy Council on September 29 had advised that if  
7 the Washington parleys failed, the Imperial Conference  
8 which would make the final decision should not be too  
9 formal but should have a full discussion with the Senior  
10 Statesmen present. This, no doubt, was expected to  
11 act as a brake against the rashness of the conspirators  
12 urging war. By October 7 the army group was of the  
13 opinion that there was no room to continue the parleys,  
14 while the navy group, except for its field grade officers,  
15 held there was hope and wanted to continue the parleys.  
16 However, the navy group wished KONOYE to declare his  
17 position and assume leadership by speaking fully to the  
18 determined TOJO and then stating his own opinion to the  
19 War, Navy and Foreign Ministers and asking for co-  
20 operation.  
21  
22  
23  
24

25 (G-105. a. Ex. 1141, T. 10230.  
b. Ex. 1142, T. 10231.  
c. Ex. 1143, T. 10233.)

G-106. On October 8, a new discouraging note  
1 for obtaining the demands of the conspirators by  
2 negotiations was sounded in a lengthy telegram from  
3 NOMURA. NOMURA explained at length that the United  
4 States was unanimous in its belief in the four prin-  
5 ciples as the basis for adjusting relations and was  
6 insistent that these principles be applied to con-  
7 crete problems in the Pacific. They would not take  
8 up other matters until there was unanimity on this  
9 question, because they believed it futile. The latest  
10 reply showed that they were ignoring Japan's proposal  
11 a.  
12 of September 25 and were sticking to their ideas.  
13 This presented a most formidable obstacle for the  
14 conspirators who hoped to achieve the objective by  
15 negotiation. On September 13, TOYODA had told NOMURA  
16 that Japan could not acknowledge the four principles.  
17 KONO felt that he had overcome a real obstacle when  
18 he was permitted to tell Grew that the four principles  
19 were splendid as principles. There was opposition  
20 in both the Army and Foreign Ministry against agree-  
21 ing on them as principles. Japan was prepared to  
22 acknowledge equal opportunity in China only if the  
23 United States would understand Japan's peculiar geo-  
24 b.  
25 graphical relation to China.

G-106. a. Ex. 1144-5, T. 10235-40  
b. Ex. 2903, T. 25832-3

G-107. By October 9, KONOUE was quite uneasy  
1 about the successful outcome of the parleys, and  
2 KIDO had come to the conclusion that the decision of  
3 September 6 had been too outright and made without  
4 exhaustive discussion. KIDO felt that perhaps the  
5 decision should be reconsidered, because it was inad-  
6 visable to declare war against the United States  
7 immediately. Rather, he felt that the termination of  
8 the China Incident was the first consideration, and,  
9 if necessary, the whole military force should be used  
10 a.  
11 to complete it.

G-108. Armed with the decision of September  
12 6, the Supreme Command had stated it would wait until  
13 October 15 for a successful termination to the nego-  
14 tiations but no longer. KONOUE thereupon called a  
15 meeting of himself, TOJO, OIKAWA, TOYODA, and SUZUKI  
16 for October 12. On the 11th, OKA told KONOUE that with  
17 the exception of the Navy General Staff the brains of  
18 the navy did not want war, but could not say so be-  
19 cause of their previous approval. However, OIKAWA  
20 at the meeting would propose to leave the matter in  
21 KONOUE's hands and wanted him to decide to continue  
22 diplomatic negotiations. At the meeting, TOJO stated  
23  
24 G-107. a. Ex. 1146, T. 10241-2  
25

there was no hope for a successful conclusion to the  
1 negotiations. OIKAWA, in accordance with his promise,  
2 after pointing out that if diplomacy was used, they  
3 must be resolved to make it a success at all costs  
4 and not try to carry a double-barrelled policy, pro-  
5 posed to leave the matter to the decision of the  
6 Premier. TOJO refused to allow KONOЕ to have sole  
7 discretion in the matter but agreed to give the  
8 matter further consideration if the Foreign Minister  
9 was confident of success. TOYODA stated he was not  
10 confident of success. On two of the points, the Tri-  
11 partite Pact and economic problems in China, some sort  
12 of agreement could be reached, but on the question of  
13 stationing troops it was difficult, because the United  
14 States was demanding complete withdrawal. He suggest-  
15 ed that Japan might agree in principle to withdraw  
16 and then station them by agreement. TOJO adamantly  
17 refused to yield on the question of withdrawal of  
18 troops. Since there was some hope of success, KONOЕ  
19 desired to continue the negotiations, but TOJO asked  
20 a.  
21 him to reconsider.

22           G-109. On the following day, TOYODA told  
23 KONOЕ that unless Japan gave in on the matter of troop  
24  
25 G-108. a. Ex. 1147, T. 10246-8; Ex. 1148, T.10251-57  
                 Ex. 2913, T. 25863-5

a.

withdrawal there could be no settlement. TOYODA  
had had prepared by YAMAMOTO, then Director of the  
East Asiatic Affairs Bureau, a formal opinion of the  
Foreign Minister in which it was stated clearly that  
there was no prospect of success in the negotiations  
on the basis of the previous proposals; that the United  
States would not agree unless she was assured that  
Japan's policy conformed to the four principles which  
would be practiced; there was a prospect of success if  
Japan should cease the further reinforcing of French  
Indo-China and refrain from any action which would  
cause suspicion that Japan had territorial aspirations  
there or intended a further advance by force into  
neighboring areas. He concluded by stating that Japan's  
national policy should be pursued through peaceful  
means and they should not resort to solution by force,  
which would not only contradict the fundamental prin-  
ciple of Japan's diplomacy, but would not contribute  
to the achievement of her objective. They must uti-  
lize peaceful means -- that is, concentrating on ad-  
justing United States relations -- to effect the  
policy followed in Manchuria, China and French Indo-  
China in establishing the Co-Prosperity Sphere.  
b.

G-109. a. Ex. 1148, T. 10256  
b. Ex. 2915, T. 25910; Ex. 2916, T. 25912-8

G-110. Just prior to the cabinet meeting on

1 October 14, in an effort to get TOJO to go along,  
2 KONOUE told TOJO that there was some hope for succe  
3 if Japan yielded on the pretense and took the reality.  
4 He pointed out the length of the China Incident and  
5 that this was no time to extend it. He went on to  
6 elaborate on the difficulties in entering into a war  
7 with the United States which would accrue not only to  
8 Japan but to the whole world. TOJO still refused to  
9 yield on the question of withdrawal of troops. TOJO  
10 thereafter made the same statement at the cabinet  
11 meeting as a result of which the cabinet was deadlocked.  
12 Another unsuccessful attempt was made to break the  
13 deadlock. The army, having learned that the navy was  
14 opposed to war, MUTO requested that the navy make a  
15 definite statement to that effect so that the army  
16 could control its subordinates when the Premier made  
17 his statement. OKA stated the navy could not make the  
18 statement but would comply with the Premier's decision.  
19

20 G-111. At this time TOJO decided to settle  
21 the matter. He sent President SUZUKI of the Planning  
22 Board to notify KONOUE that due to the navy's indef-  
23 initate position there was a hopeless deadlock, and the  
24 only thing left to do was to recall the decision of  
25

G-110. a. Ex. 1148, T. 10258-63  
b. Ex. 1148, T. 10263-4

39,651

September 6 and to have everyone, including the

Supreme Command, resign, letting new men take over  
under Prince HIGASHIKUNI. a.

1 under Prince HIGASHIKUNI as Premier. This message  
2 was also conveyed to KIDO as Lord Keeper of the Privy  
b.  
3 Seal. After much consideration the idea of a  
4 HIGASHIKUNI Cabinet was rejected as inexpedient by  
c.  
5 all concerned.

G-112. Late in the afternoon of October 16  
KONO submitted the resignation of his cabinet. In  
his letter of resignation and in his subsequent ex-  
planation to the Senior Statesmen he stated that TOJO  
and the army desired to go to war, while he felt  
that the negotiations could be successful; he had been  
unable to convince TOJO and was himself unable to take  
the responsibility for plunging the nation into a  
titanic war of unforeseen results when the China Inci-  
dent had not as yet been settled; he felt that to  
advance its national fortunes Japan must step back a  
bit to prepare for a forward leap. This letter of  
resignation clearly reflected that the conspirators  
had split, not over accomplishing the objectives of  
the conspiracy, but over matters of methods of and  
timing in carrying out the conspiracy. The one group

saw in extending the aggressive action of Japan to  
1 the United States and Britain only the potential  
2 loss of all that their aggressive tactics had gained  
3 for Japan.

4           G-113. On October 17 KIDO held a Senior  
5 Statesmen's Conference attended by all the ex-Premiers  
6 and HARA of the Privy Council. KIDO stated that the  
7 important problems were revision of the decision of  
8 September 6 and the unity of the army and navy. He  
9 recommended TOJO as Premier and War Minister on active  
10 service. There was no objection and HIROTA and two  
11 of the others actively supported it. The same day  
12 TOJO received the Imperial Mandate to form a new  
13 cabinet, and OIKAWA was advised by the Emperor that  
14 unity of opinion between the army and navy was desir-  
15 able. Following this, KIDO instructed both TOJO and  
16 OIKAWA that in deciding the nation's fundamental  
17 policy they need not follow the September 6 decision,  
18 but should study carefully foreign and domestic condi-  
19           <sup>a</sup>  
20 tions.

21           G-114. Thus, at the most critical moment,  
22 the ultimate character of the conspiracy was worked  
23 out. With full knowledge that TOJO believed that the  
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25 G-113. ... Ex. 1154, T. 10291-2; Ex. 3340, T. 31109

conspiracy could be finally successful only by and  
1 through new aggressive tactics involving aggressive  
2 wars against the United States and Britain to be  
3 started quickly, the conspirator KIDO, holding one of  
4 the highest offices in the Japanese government, charged  
5 with the ultimate responsibility of choosing a Premier  
6 to head the government, decided to and did undertake  
7 to leave the matter solely in TOJO's hands. The result  
8 that followed was not only foreseeable but inevitable.  
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G-115. In the new cabinet formed by TOJO there was no place for those who wished to go forward with the conspiracy by negotiation, and thus KONOYE, TOYODA, OIKAWA and HIRANUMA were dropped. TOJO himself held the posts of Premier, War Minister and Home Minister; TOGO became Foreign Minister; SHIMADA, Navy Minister; KAYA, Finance Minister. SUZUKI, who had played his role well in overthrowing the KONOYE Cabinet, retained his old offices, and HOSHINO was brought back into a position of importance and responsibility as Chief Secretary of the cabinet. This cabinet under TOJO's leadership proceeded to carry out the policy of September 6.<sup>a.</sup> While Japan became more insistent in urging a quick decision on her proposals she showed no willingness to effect any fundamental modification of her position and no desire to apply practically the basic principles needed for lasting peace.<sup>b.</sup>

G-116. Immediately a series of Liaison Conferences were held to determine Japan's ultimate policy in the matter, and the related problems of military materials, especially synthetic oil and liquid fuel.<sup>a.</sup> These conferences were held daily from

G-115.

a. Ex. 1158, T. 10308-9.  
b. T. 10810.

G-116.

a. Ex. 1162, T. 10314;  
Ex. 1163, T. 10316.

October 23 to November 2 and toward the end lasted  
1 from 9 a.m. until long after midnight. These meetings  
2 were attended by TOJO, SHIMADA, TOGO, KAYA, SUZUKI,  
3 MUTO, OKA, HOSHINO and the Chiefs of Staff.<sup>b.</sup> At the  
4 same time, active preparations for war continued.  
5 By November 1, 1941, the final text of Combined Fleet  
6 Secret Operational Order No. 1, containing the sched-  
7 ules and plans for the attack on Pearl Harbor and the  
8 British and Dutch possessions, had been agreed upon  
9 and was being printed.<sup>c.</sup> On November 3, the date for  
10 the attack on Pearl Harbor was set by Admiral NAGANO.  
11 On November 4, the cabinet adopted a policy of sup-  
12 pression of reports on the tenseness of diplomatic  
13 negotiations and of news and speeches which would dis-  
14 close to the enemy Japan's war preparations.<sup>d.</sup>

G-117. Shortly after the TOJO Cabinet took  
17 office, TOGO notified NOMURA of the formation of the  
18 new cabinet, which he stated agreed with its predeces-  
19 sor in its intense desire to adjust relations on a  
20 fair basis. Japan, he stated, was maintaining a firm  
21 attitude and was waiting for United States reconsider-  
22 ation. He directed NOMURA to suggest that they could  
23 not spend too much time in negotiations, and to

G-116.

b. T. 26145-50.

c. Ex. 809, T. 10315.

d. Ex. 1167, T. 10330-1.

emphasize the needs of a United States counter-  
proposal to Japan's offer of September 25.<sup>a</sup> On  
October 22, on receipt of these instructions,  
NOMURA, feeling that the President and Hull realized  
that he had no influence in Tokyo and not desiring to  
be involved in a hypocritical situation deceiving  
himself and others, asked of TOGO to be relieved of  
his position.<sup>b</sup> This request was not granted, and  
NOMURA remained as Ambassador to the United States  
to the end. On November 2, NOMURA was advised by  
TOGO that the fundamental policy for improving rela-  
tions with the United States was being worked out in  
Liaison Conferences, and final decision would be  
reached at the Imperial Conference on November 5.  
Interim matters were to be trusted to NOMURA's pru-  
dence.<sup>c</sup> On November 4, TOGO advised NOMURA that the  
Liaison Conference would submit for sanction on the  
next day to the Imperial Conference its unanimous  
conclusion to gamble for the last time on the contin-  
uance of the parleys. He stressed that this was Japan's  
last offer to settle and it must be speedily accepted.  
If anything went wrong, NOMURA was to follow

24 G-117.

25 a. Ex. 2917, T. 25920-1.

b. Ex. 1161, T. 10312-3.

c. Ex. 1163, T. 10316.

instructions to the letter, there being no room for  
1 interpretation.<sup>d.</sup> On the same day, TOGO sent to  
2 NOMURA the final offers which were to be submitted  
3 after approval by the Liaison Conference. This pro-  
4 posal was exceedingly and purposely vague on the  
5 question of evacuation of troops from China and  
6 French Indo-China.<sup>e.</sup> Because of the gravity of the  
7 situation, allegedly because of NOMURA's request for  
8 aid which had been ignored for three months, on the  
9 same day it was decided to send Ambassador KURUSU to  
10 aid NOMURA. The latter was advised that KURUSU  
11 carried no new instructions and was ordered to arrange  
12 an immediate meeting for KURUSU with the President.<sup>f.</sup>

14 G-118. On November 5, as scheduled, the  
15 Imperial Conference took place. There were present  
16 TOJO, TOGO, SHIMADA, KAYA, SUZUKI, SUGIYAMA, NAGANO,  
17 HOSHINO, MUTO, OKA, TSUKADA, ITO and HARA.<sup>a.</sup> The  
18 council decided to continue the negotiations along  
19 the lines of the proposal already sent to NOMURA,  
20 fixing a deadline for the completion of the parleys  
21 for November 25 and, in the event of their failure,  
22 to go to war.<sup>b.</sup> NOMURA was immediately advised on  
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G-117.

24 d. Ex. 1164, T. 10318-22.

G-118.

c. Ex. 1165, T. 10324-8.

a. Ex. 1107, T. 10332.

f. Ex. 1166, T. 10329.

b. Ex. 1169, T. 10333-40

the same day that the proposal had been approved  
1 and that he should proceed with negotiations. While  
2 arrangements for signing any agreement had to be  
3 completed by November 25, he was to avoid giving  
4 any impression that there was a time limit or that  
5 the proposal was an ultimatum.<sup>c.</sup>

G-119. On November 10, 1941, NOMURA presented to Roosevelt Proposal "A", as approved by the Liaison and Imperial Conferences.<sup>a.</sup> In this proposal Japan stated she was prepared to carry out the principle of nondiscrimination in trade in the entire Pacific, provided the principle was applied uniformly to the rest of the world. With respect to the European war, no change was made in the earlier Japanese proposal that Japan would decide independently the matter of interpreting the Tripartite Pact and the actions she was to take to fulfill her obligations.

It stated that present circumstances did not permit Japan to go further in writing, but if the United States gave an assurance not to place too liberal an interpretation on the term "protection and self-defense" which might lead to an abuse of the recognized

G-118.

c. Ex. 1170, T. 10343-5; Ex. 1171, T. 10346.

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G-119.

a. Ex. 2927, T. 25974.

right, Japan was willing to give a similar assurance.

1 With respect to the withdrawal of troops from China,  
2 Japan proposed to keep forces in specified areas of  
3 North China, Mongolia and Hainan Island for a certain  
4 duration after peace, and to begin withdrawal of the  
5 rest as soon as peace was restored with China, com-  
6 plete withdrawal to be completed within two years.  
7

With respect to French Indo-China, Japan proposed  
that she would respect the territorial sovereignty  
of Indo-China and that she would withdraw her forces  
from that area when the China Affair was settled or  
equitable peace was established in East Asia.<sup>b</sup>. In  
the instructions received by NOMURA with respect to  
this proposal, he had been instructed that in rela-  
tion to the matter of stationing troops in specified  
areas of China, he was to abide by the abstract term  
"necessary duration" and try to impress the United  
States that the troops were not to be stationed per-  
manently and indefinitely. However, if inquiry was  
made, he was to reply that the approximate goal was  
twenty-five years.<sup>c</sup>.

24 G-119.

25 b. Ex. 2927, T. 25974-80.

c. Ex. 1165, T. 10324-8;  
Ex. 2925, T. 27766-7A.

G-120. It is contended by the accused that  
1 these proposals made important and real concessions  
2 to the United States. It is submitted that a careful  
3 examination of the proposals discloses that Japan had  
4 not moved in the slightest from her original position.  
5 While she agreed in principle to accept the principle  
6 of non-discrimination in trade for the Pacific, she  
7 insisted upon the proviso that the principle be  
8 applied uniformly to the rest of the world. However,  
9 without this proviso, which was at the time well  
10 known to be impossible of fulfillment, she was un-  
11 willing to apply it to China, where she was bound by  
12 treaty to follow that principle. There was likewise  
13 no change in the interpretation of Japan's obligation  
14 under the Tripartite Pact. The proposal for mutual  
15 assurances not to give too liberal an interpretation  
16 to the right of self-defense was nothing less than an  
17 indirect demand that the United States stop its aid  
18 to Britain. The statement that too liberal an inter-  
19 pretation might lead to an abuse of the recognized  
20 right undoubtedly must have sounded strange to  
21 Secretary Hull when advanced by Japan, who had  
22 cloaked her whole program of aggression behind her  
23 own interpretation of the right of self-defense. With  
24 respect to the withdrawal of troops, Japan merely

proposed to withdraw her troops, except in certain  
1 areas, only within two years after peace was estab-  
2 lished. Certainly, this cannot be deemed a concession.  
3 Japan had no right to have those troops stationed in  
4 China in the first instance. Moreover, she was to  
5 be permitted to keep troops for an indefinite period  
6 in the three areas most strategic from the point of  
7 view of Japan's plan for control of China. The  
8 acceptance of this proposal would have meant giving  
9 Japan what she desired in China, namely, the ability  
10 to control China militarily with a minimum number of  
11 troops strategically situated so as to be able to  
12 enforce her aggressive demands on China. The period  
13 of twenty-five years which Japan had set as its goal  
14 indicated the permanent nature of Japan's plans for  
15 China. The proposal to respect the territorial  
16 integrity of Indo-China and to withdraw troops from  
17 Indo-China upon certain conditions involved no con-  
18 cession, because Japan was already committed to France  
19 under their agreement to this proposal.

21 G-120A. The conspirators had so little  
22 confidence that the KURUSU-NOMURA negotiations would  
23 achieve their purposes that they went ahead actively  
24 preparing for war in the minutest detail. Immediately  
25 after the decision of November 5 had been made, the

1 navy prepared to strike. On November 5, the day of  
2 the Imperial Conference, Admiral NAGANO issued an  
3 order to Admiral YAMAMOTO that general operational  
4 preparations for war against Britain, the United  
5 States and the Netherlands would be completed by  
6 December 1, and YAMAMOTO fixed November 23 as "Y"  
7 day. On November 7, Admiral YAMAMOTO ordered a  
8 task force to assemble in Hitokappu-wan and to remain  
9 there for supplies until November 22 in secrecy. On  
10 November 10, Combined Fleet Secret Operation Order  
11 No. 3 fixed December 8 as "X" Day, and striking Force  
12 Operation Order No. 1 directed that all ships complete  
13 battle preparations by November 20 and rendezvous in  
14 the Kuriles, maintaining strict security so the crews  
15 would remain in ignorance until they cleared Japan.<sup>a.</sup>

16 G-121. While the navy was working out its  
17 plan for attack, the conspirators were holding a  
18 series of Liaison Conferences and by November 15  
19 had worked out the details of the plan to be used  
20 when the negotiations failed. It was decided that  
21 as soon as war was inevitable Japan would at once  
22 inform Germany of her intentions and negotiate for  
23 German and Italian participation and a no-separate-

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G-120A.

a. Ex. 809, T. 10347-50.

peace pact, but Japan would refuse to participate in  
1 the German-Soviet war for the present, even if it  
2 meant postponement of Germany's entry into the war  
3 with the United States. They would request from  
4 Thailand the right to send in troops, but even without  
5 consent the troops would be sent. However, they must  
6 try to avoid hostilities, and prior to negotiations  
7 they must hide the intention of going to war with  
8 Thailand. To get the best concessions they would  
9 promise to respect Thailand's sovereignty and might  
10 give her a part of Burma or Malaya. In China, after  
11 the war broke out, they would clear out the Americans  
12 and British forces and take over the concessions and  
13 the important rights and interests of hostile countries.  
14 They would not formally declare a state of belligerency  
15 with China but pressure would be increased. The  
16 Philippines, Burma and a portion of the Netherlands  
17 East Indies would be made independent after occupation,  
18 the remainder being kept by Japan. Thailand's lost  
19 territories would be restored, and French Indo-China  
20 would remain in statu quo.<sup>a.</sup>

G-122. While these active war preparations  
23 were going on, pressure was being put on the Ambassadors  
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25 G-121.

a. Ex. 1169, T. 10333-40; Ex. 878, T. 10370-1.

in Washington to complete their assignment. On  
1 November 11, Churchill had stated that if the United  
2 States was involved in war with Japan, a British  
3 declaration would follow within an hour.<sup>a</sup>. On the  
4 same day TOGO stated to Ambassador Craigie that  
5 Japan, after working out any agreement with the  
6 United States, would simultaneously seek Britain's  
7 agreement, that Japan had made her final proposal  
8 and that there could be no delay. Craigie thereupon  
9 told TOGO that the United States felt that the nego-  
10 tiations were still in a preliminary stage. Immed- .  
11 iately thereafter TOGO reported his conversation to  
12 NOMURA and stressed that this attitude was unfortunate  
13 and he was to do everything to make the United States  
14 realize this and bring about an agreement at the  
15 earliest possible moment.<sup>b</sup>. On November 14, NOMURA  
16 replied that he believed he would win out in the  
17 negotiations and would fight to the end. However, the  
18 United States was opposed to Japan's moving north or  
19 south and would not hesitate to fight Japan rather  
20 than yield on her fundamental policy. The two stumbling  
21 blocks to an agreement were China and the Axis Alli-  
22 ance. He pointed out that many nations might  
23  
24 G-122.

a. Ex. 1173, T. 10353-4.

b. Ex. 1174, T. 10356-60.

1 participate in the war and any war would be long and  
2 victory would go to the one who could hold out to the  
3 end.<sup>c.</sup> On November 16, TOGO replied to NOMURA's  
4 implied invitation to give him more time to work  
5 things out by agreeing with his warning, but pointing  
6 out that in view of Japan's fundamental policy it was  
7 out of the question for Japan to wait to see the turn  
8 of war and be patient. There could be no change in  
9 the deadline fixed for November 25. Since the time  
10 was short, he was to do his best to bring about an  
11 immediate solution.<sup>d.</sup>

12 G-123. On November 18, KURUSU, who had  
13 arrived on the 15th, reported to TOGO his conversations  
14 with Roosevelt on the 17th and Hull on the 18th. He  
15 reported that he felt that the President had a keen  
16 desire to conclude the negotiations, and there was no  
17 reason to believe that because the United States did  
18 not wholeheartedly approve Japan's proposal, that it  
19 was a wilfully delaying policy. While it was willing  
20 to fight Japan if compelled to, its interests lay not  
21 in fighting Japan but in finding security for its  
22 rear. The real stumbling block still seemed to be the  
23 Axis agreement. On the 18th, both he and NOMURA

25 G-122.

c. Ex. 1177, T. 10376-9.

d. Ex. 1178, T. 10381-2.

suggested that they return to the condition existing  
1 prior to July 24 and that they show Japan's sincerity  
2 by commencing evacuation of troops from French Indo-  
3 China. Because of the instructed time limit, he asked  
4 for an immediate decision.<sup>a.</sup> On November 19, TOGO sent  
5 further instructions to the Ambassadors authorizing  
6 them to expand the words of the proposal on Japan's  
7 Axis obligations to indicate that Japan would decide  
8 independently whether there had been an attack and was  
9 not bound by the interpretation of other parties to  
10 the Tripartite Pact. But this was to be done only in  
11 the event prospects of an agreement materialized.<sup>b.</sup>

G-124. After TOGO had reported that there  
14 was no prospect for the acceptance of Plan A approved  
15 by the Liaison Conference, NOMURA was authorized to  
16 present Plan B. Accordingly, on November 20, KURUSU  
17 and NOMURA presented what the latter regarded as an  
18 extreme proposal to Hull. It proposed that both Japan  
19 and the United States agree not to make any armed  
20 advance into Southeast Asia or the South Pacific except  
21 into that part of French Indo-China where Japanese  
22 troops were stationed. Japan would undertake to with-  
23 draw her troops in Indo-China on the establishment of  
24 G-123.

a. Ex. 1179, T. 10383-6.

b. Ex. 1180, T. 10387-8.

peace with China or of an equitable peace in the  
1 Pacific. Japan would declare that she was ready to  
2 move her troops from South Indo-China to the northern  
3 part on the conclusion of the agreement. Both would  
4 cooperate economically in the Netherlands East Indies  
5 and would undertake to restore their commercial rela-  
6 tions. The United States would agree to refrain from  
7 any action prejudicial to restoring peace between  
8 Japan and China. In presenting this proposal both  
9 NOMURA and KURUSU pointed out the urgency of the  
10 situation and intimated that it was Japan's last word  
11 and that unfortunate results might follow if an agree-  
12 ment was not quickly concluded.<sup>a.</sup>

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25 G-124.

a. Ex. 1245H, T. 10811-4.

G-125. Even if it had been made in good  
1 faith, this last proposal from Japan merely required  
2 that the United States condone Japan's aggression  
3 and assent to her future conquests, abandon her most  
4 essential principles of foreign policy, betray China,  
5 become a silent partner with and aid Japan in obtain-  
6 ing domination over the Western Pacific and Eastern  
7 Asia, destroy her own rights in the Pacific and  
8 menace her national security. By keeping her troops  
9 in Indo-China, Japan was a threat to the countries of  
10 the South and a menace to the trade routes. The offer  
11 to withdraw the troops from South Indo-China was mean-  
12 ingless, since they could be moved back and there was  
13 a.  
14 no limit to their number. However, the proposal was  
15 not made in good faith. This proposal, as well as  
16 proposal "A," were both intended merely as temporary  
17 stop-gaps until Japan had satisfactorily built up her  
18 war potential, particularly her supply of oil. On  
19 November 18, 1941, a plan was formulated which pro-  
20 vided that in the event a treaty was signed with the  
21 United States, on the basis of either proposals "A"  
22 or "B," within three days of the agreement the United  
23 States should abolish her freezing measures and supply  
24 Japan with 6,000,000 tons of oil annually, including  
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G-125. a. T. 10814-5

1,500,000 tons of aviation gasoline, and should take  
1 measures to have the Netherlands Indies accept within  
2 three days Japan's economic demands, including for the  
3 time being, 4,000,000 tons of oil annually. If these  
4 requirements and Japan's other demands were not met  
5 within one week after the signing of the treaty, then  
6 Japan would open hostilities against the United States,  
7 Britain and the Netherlands. Japan would make her  
8 intentions known to the United States when the treaty  
9 b. was signed. Although the document bears the name  
10 of the accused MUTO, defense witness YAMAMOTO testi-  
11 fied that this was the plan of the General Staff and  
12 c. that MUTO was opposed to it. However, the document  
13 does bear MUTO's name and there is nothing on the  
14 document to show that it emanated solely from the  
15 General Staff. YAMAMOTO further tried to leave the  
16 impression that the plan was not considered by the  
17 Liaison Conference. However, the accused TOGO made  
18 it clear in his affidavit that such a proposal was  
19 submitted but that the requirements were reduced sub-  
20 d. stantially at his insistence. On November 26, 1941,  
21 TOGO instructed NOMURA that if an agreement was reached  
22 he was to convey Japan's desire for a minimum annual  
23 G-125. b. Ex. 3445, T. 33037-42  
c. T. 33043-6  
d. Ex. 3646, T. 35703

import of 4,000,000 tons of oil from the United States  
e.  
1 and 2,000,000 tons from the Netherlands Indies.

2 G-126. In the meantime, November 25 was  
3 drawing close and something had to be done. On the  
4 22nd, TOGO was able to advise NOMURA and KURUSU that  
5 if they could finish their conversations and the  
6 agreement be signed, and if an understanding from  
7 Britain and the Netherlands through an exchange of  
8 notes could be obtained by the 29th, then Japan would  
9 arrange to wait until that date. This new deadline  
10 could not be changed, and after that things would  
11 a.  
12 automatically happen.

13 G-127. On the 22nd, Hull conferred with the  
14 British, Australian and Netherlands Ambassadors on the  
15 proposals. The latter promised to get their govern-  
16 ments' instructions and report on the 24th. On the  
17 22nd, Hull reported this information to KURUSU and  
18 NOMURA and promised his reply when he had heard from  
19 his colleagues. He pointed out, however, that Japan's  
20 offer was not sufficient to dissolve the situation in  
21 the Pacific so as to allow the United States and  
22 others to move their troops elsewhere. The United  
23 States could not accept the term of stopping aid to

25 G-125. G-126.  
e. Ex. 2944, T. 26041-2 a. Ex. 1183, T. 10400

China, and the time was not yet right for mediation  
1 by Roosevelt. On November 23, TOGO told Grew that  
2 it was impossible to withdraw the troops altogether  
3 from French Indo-China and that the only way to settle  
4 the China Affair was to have the United States not in-  
5 terfere with Japan's effort for peace when Roosevelt  
6 acted as mediator in connection with the China prob-  
7 lem. On the 24th, in a telegram to NOMURA, TOGO  
8 confirmed the deadline of the 29th, Tokyo time,  
9 which had been previously fixed in his dispatch of  
10 November 22 to both KURUSU and NOMURA.  
11

G-128. On November 26, Hull met with the  
12 two Japanese Ambassadors. He first reviewed the  
13 various conversations, and pointed out that Japan's  
14 proposals of November 20 conflicted with the funda-  
15 mental principles of the United States. To bridge the  
16 gap between the American proposal of June 21 and that  
17 of the Japanese of September 25, he proposed that the  
18 two nations enter into an agreement whereby they  
19 would pledge themselves to the principles of the  
20 treaty system, and in economic relations would adhere  
21 to the principles of non-discrimination, economic  
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G-127.

24 a. Ex. 1184, T. 10402-5  
25 b. Ex. 1185, T. 10407-9  
c. Ex. 1186, T. 10410-1  
d. Ex. 1183, T. 10400

cooperation, non-discriminatory access by all to raw  
1 materials, full protection to the interests of con-  
2 suming countries, and the establishment of institu-  
3 tions and arranging of international finance to lend  
4 aid to essential enterprises. Both would try to con-  
5 clude a multi-lateral non-aggression pact among China,  
6 Britain, Japan, Holland, the Soviet Union, Thailand,  
7 and the United States, and a pact would be concluded  
8 with all except the Soviet Union to respect the terri-  
9 torial integrity of French Indo-China. No nation  
10 would seek or accept preferential treatment economic-  
11 ally in Indo-China. Japan would withdraw all forces  
12 from China and French Indo-China. Both nations  
13 would support only the Chungking Government in China,  
14 would give up all extraterritorial rights in China,  
15 and would try to get Britain and the others to do  
16 likewise. They would conclude a trade agreement, re-  
17 move freezing restrictions and agree to stabilize their  
18 moneys. Both would agree that no agreement with a  
19 third power was to be interpreted as being in conflict  
20 a.  
21 with the agreement.

G-128A. Having no other defense for their  
22 conduct, some of the defendants pin their last hope  
23 upon the last-mentioned document for the justification  
24 G-128. a. Ex. 1245I, T. 10815-23

in going to war. Some of them assert that they con-  
1 strued it as a final note, an ultimatum setting forth  
2 the demands of the United States which left no al-  
3 ternative but to go to war. The defendant TOJO  
4 has characterized it as the ultimatum of the United  
5 States "thrown into the face" of Japan. It is the  
6 height of either naivete or brazenness to expect us  
7 to believe that this instrument was the determining  
8 factor in Japan's decision to go to war. We cannot  
9 and must not forget the decision of November 5 and  
10 the fact that the day before this instrument was  
11 delivered by Hull to NOMURA and KURUSU, the Japanese  
12 fleet had already moved out toward Hawaii. It is  
13 true that the defendants assert that the fleet could  
14 have been recalled if matters were amicably settled.  
15 However, when we consider the entire story of the  
16 negotiations with the United States we find by  
17 "amicable settlement" Japan meant complete submission  
18 of the United States to Japan's demands. Moreover,  
19 it is impossible to ascertain in what respect this  
20 document is an ultimatum. The accused themselves and  
21 their witnesses, when asked to point out what in the  
22 document partook of the nature of an ultimatum, were  
23 either unable to do so or else went off into the  
24 rarefied realm of Japanese metaphysics. The instru-

ment itself shows clearly that it was not an ultimatum.  
1 It contained not a single proposal, except for the  
2 multi-lateral treaties, which had not been repeatedly  
3 made before. It did not ask Japan to do anything  
4 which she was not already committed to do. If by  
5 their characterization of the instrument as a final  
6 note the accused mean that they became at last fin-  
7 ally convinced that the United States was not going  
8 to assist in establishing Japan's new order, would  
9 not provide Japan with materials to further her pro-  
10 gram of aggression, would not repudiate her prin-  
11 ciples and would not become a silent partner in  
12 Japan's crimes, then the prosecution has no great  
13 objection to their calling the document whatever they  
14 may desire.

16 G-129. Even before this proposal was re-  
17 ceived, realizing that such a proposal would be total-  
18 ly unacceptable in Japan and would lead to a rupture  
19 in relations, KURUSU and NOMURA on the 26th had pro-  
20 posed to TOGO that they be allowed, in order to save  
21 the situation, to propose to Roosevelt that he wire  
22 Japan that he hoped that Japan and the United States  
23 would cooperate to maintain peace. This would be  
24 followed by a cordial reply from Japan. They went on  
25 to point out the wisdom of such a step by stating

their doubts of aid for Japan from Germany and that  
1 in the event of war the China Incident would have to  
2 wait for the end of the war for settlement. This  
3 plan was rejected by TOGO on the 28th as improper.  
4 The conspirators, to hide their real purposes while  
5 making last minute preparations for war, decided, how-  
6 ever, to keep on estensibly with the negotiations.  
7 In a telephone conversation with the Foreign Office  
8 the following day, KURUSU was told not to break off  
9 negotiations. On the 28th, TOGO wired NOMURA what  
10 he termed his complete surprise at the United States  
11 proposal and advised him that with the submission of  
12 Japan's answer in a few days the negotiations would  
13 be dropped. However, they were not to give the im-  
14 pression that the negotiations were to be broken off,  
15 but were to say that they were waiting instructions  
16 and that their government presumably felt that the  
17 United States had been uncooperative and had made the  
18 solution difficult. The following day they were  
19 instructed by TOGO to make one more attempt verbally  
20 to find out the reason why the United States had  
21 departed from its usual fair and judicial position  
22  
23 G-129.

24           a. Ex. 1189, T. 10418-20  
25           b. Ex. 1193, T. 10442-3  
             c. Ex. 1191, T. 10435-6  
             d. Ex. 1193, T. 10442-3

1 and the reason for the change of front on the China  
2 problem, but were warned to be careful that this did  
3 not lead to anything like breaking off negotiations.<sup>e.</sup>  
4 Again on the 30th, in a telephone conversation with  
5 the Foreign Office, KURUSU, after having pointed out  
6 that the blatant statements of YOJO, TOGO and others  
7 were making his position difficult, was told to con-  
8 tinue the negotiations.<sup>f.</sup>

9 THE PRESIDENT: We will adjourn until nine-  
10 thirty tomorrow morning.

11 (Whereupon, at 1600, an adjourn-  
12 ment was taken until Tuesday, 17 February,  
13 1948 at 0930.)

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G-129.

e. Ex. 1194, T. 10444-5; Ex. 1195, T. 10450-1

f. Ex. 1200, T. 10475-3